

**Mary Kraycik**

**From:** Nobody [nobody@ag03uw21.state.tn.us]  
**Sent:** Friday, January 20, 2012 6:18 AM  
**To:** ConsumerComplaint TRA  
**Subject:** Consumer Complaint Questionnaire

**RECEIVED**  
**CONSUMER SERVICES DIVISION**  
**JAN 20 2012**  
**TN REGULATORY AUTHORITY**

Below is the result of your feedback form. It was submitted by  
( ) on Friday, January 20, 2012 at 06:17:57

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next: /www/wwwroot/tra/response.htm

01\_whole:

02\_streetaddress:

03\_City: Franklin

04\_State: TN

05\_ZIP: 37069

06\_County: Williamson

07\_Home\_Telephone:

09\_email: aarbbr@comcast.net

10\_Contact\_time: Monday, Friday (8-12)

13\_complaint\_company: Berry's Chapel Utility, Inc.

14\_contacted\_util: No

15\_complaint\_descript: Dear TRA, On 11/22/2011, I read in the Tennessean, Williamson AM edition that Berry's Chapel Utility is asking the state to approve a rate increase. According to the article, this rate increase is 67%, which is comprised of a rate increase from \$8.35/1000 gallons to \$9.67/1000 gallons, and a monthly surcharge of \$30/month per residence. Per Docket 11-0005, Berry's Chapel Utility was told it could not charge a flat \$20/month per home. Please turn down this increase that Berry's Chapel has requested. This rate increase is too high. The homeowners of Cottonwood Subdivision have no choice of an optional sewer company. High sewer rates will affect the property values of homes in our subdivision. Also, Berry's Chapel Utility did not notify us, as homeowners, that they were requesting a rate increase. Are they required to do this? Why do I have to read in the newspaper about the requested rate increase!! Thank you for addressing this matter. Barbara Reed

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**Mary Kraycirik**

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**From:** Nobody [nobody@ag03uw21.state.tn.us]  
**Sent:** Thursday, February 09, 2012 6:10 PM  
**To:** ConsumerComplaint TRA  
**Subject:** Consumer Complaint Questionnaire

RECEIVED  
CONSUMER SERVICES DIVISION  
FEB 10 2012  
TN REGULATORY AUTHORITY

Below is the result of your feedback form. It was submitted by  
( ) on Thursday, February 09, 2012 at 18:09:52

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next: /www/wwwroot/tra/response.htm

01\_whole:

02\_streetaddress:

03\_City: Franklin

04\_State: TN

05\_ZIP: 37069

06\_County: Williamson

07\_Home\_Telephone:

08\_Work\_Telephone:

09\_email: charlineandpeter@hotmail.com

10\_Contact\_time: 9 a.m. to 3 p.m.

13\_complaint\_company: Berry's Chapel Utility, Inc.

14\_contacted\_util: yes

15\_complaint\_descript: Berry's Chapel Utility billed us an additional \$20.00 fee for 5 consecutive months on our water bill that was not authorized by the TRA. The "Bill Dates" were for 12/15/10 through 4/15/11. THANKS to the TRA, Berry's Chapel Utility was ordered to cease and desist and the additional fee was stopped. We would like to have the \$100.00 in fees reimbursed to us. Also we understand that Berry's Chapel Utility is presently asking the TRA for increases in their billing for sewage treatment. Our water bills are currently some of the highest in the nation and the sewage portion of our bill is over 20% higher than the water bill. Therefore we strongly protest any increase in sewage costs that Berry's Chapel Utility Inc. is requesting. We are asking for your help in this matter and respectfully request that the TRA deny any increases to our sewage treatment bill. With our sincere thanks, The Sloans

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**Mary Kraycirik**

**From:** Nobody [nobody@ag03uw21.state.tn.us]  
**Sent:** Thursday, February 09, 2012 9:07 AM  
**To:** ConsumerComplaint TRA  
**Subject:** Consumer Complaint Questionnaire

RECEIVED  
CONSUMER SERVICES DIVISION  
FEB 10 2012

TN REGULATORY AUTHORITY

Below is the result of your feedback form. It was submitted by  
( ) on Thursday, February 09, 2012 at 09:07:18

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next: /www/wwwroot/tra/response.htm

01\_whole:

02\_streetaddress:

03\_City: Franklin

04\_State: TN

05\_ZIP: 37069

06\_County: Williamson

07\_Home\_Telephone:

08\_Work\_Telephone:

09\_email: kmathus@comcast.net

10\_Contact\_time: any

13\_complaint\_company: Berrys Chapel Utility

14\_contacted\_util: No

15\_complaint\_descript: Last year, we went thru all the mess with Lynnwood Sewer changing their name to Berrys Chapel Utility and trying to be come a non-profit to avoid TRA regulations and thus charge whatever they wanted on our utility bills. They charged at that time, on our utility a bill a \$20 additional fee, and it was ruled that they needed to stop charging. From what I understand, they have been told to refund us and are appealing it. I want to file a complaint. I think they should refund us immediately even if they need to take out a loan to do so...as they had no right charging it.

Also, I have heard they are trying to get an approved rate increase. This is ridiculous! We pay the highest rate in the area!

They need to be stopped! I am hopeful TRA will not allow a rate increase and get our refunds in a timely manner.

Thank you Karen Mathus

## Mary Kraycirik

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**From:** Nobody [nobody@ag03uw21.state.tn.us]  
**Sent:** Tuesday, May 29, 2012 8:46 AM  
**To:** ConsumerComplaint TRA  
**Subject:** Consumer Complaint Questionnaire

Below is the result of your feedback form. It was submitted by  
( ) on Tuesday, May 29, 2012 at 08:46:17

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next: /www/wwwroot/tra/response.htm

01\_whole:

02\_streetaddress:

03\_City: Franklin

04\_State: TN

05\_ZIP: 37069

06\_County: Williamson

07\_Home\_Telephone:

08\_Work\_Telephone:

09\_email: [gpitcher@pubgroup.com](mailto:gpitcher@pubgroup.com)

10\_Contact\_time: 9-4 weekdays

13\_complaint\_company: Berry's Chapel Utility

14\_contacted\_util: No

15\_complaint\_descript:

It has been brought to the attention of at least Cottonwood Subdivision residents that Lynnwood Utility/Berry's Chapel Utility is requesting a rate increase to cover cost incurred as a result of repair expenses due to the 2010 flood and to repay subscribers for unapproved fees they have levied in the past.

Rate increase requests are a re-occurring "fix" that covers poor management, earlier uncontrolled growth decisions, and lack of established funding for ongoing maintenance. This request along with the continual indifferent attitude of Berry's Chapel Utility showing no regard for their clients, coupled with an exorbitant sewage fees, equal to or as much as the water rates, on which their fees are based, prompts me to be opposed to any rate increase. I hope you will take action to deny their request for rate increases and any other sanction you deem appropriate in light of their apparent disregard for their clients and good business practices.

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CONSUMER SERVICES DIVISION  
MAY 29 2012  
TN REGULATORY AUTHORITY

## **Lisa Cooper**

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**From:** Grummon, Robert A [robert.grummon@Vanderbilt.Edu]  
**Sent:** Tuesday, May 29, 2012 4:25 PM  
**To:** Lisa Cooper  
**Cc:** Mary Kraycirik; Mary Kraycirik; Zenobia Wade; Jean A. Stone  
**Subject:** RE: Lynnwood Utility/Berry's Chapel Utility

Lisa,

As Cottonwood will bear the brunt of whatever decision is made I would like my neighbors to have the opportunity to be heard.

We have had very little success in receiving adequate service from this utility and I am discouraged to learn that we continue to be charged temporary fees that should have ended years ago.

As is typical, with this company, the books and billing are so tangled that an honest answer seems hard to come by. I appreciate the problem the Rings have gotten themselves into, however the neighborhood does not believe the information they have provided is accurate, nor useful in determining whether they need additional funding.

Based upon their poor behavior in the past and current lack of corporation it is my hope you will deny a further rate increase or "temporary" fee.

I would like to issue your contact information to my Neighborhood - Cottonwood.

Thanks,  
Bob Grummon  
Cottonwood HOA

-----Original Message-----

**From:** Lisa Cooper [<mailto:Lisa.Cooper@tn.gov>]  
**Sent:** Tuesday, May 29, 2012 9:51 AM  
**To:** Grummon, Robert A  
**Cc:** Mary Kraycirik; Mary Kraycirik; Zenobia Wade; Jean A. Stone  
**Subject:** RE: Lynnwood Utility/Berry's Chapel Utility

Mr. Grummon,

Thank you for submitting your concerns. We will file your comments in the docket file to be considered by the directors as part of the record in the case. If you have any more questions or concerns, please let us know.

Lisa Cooper, Chief  
Consumer Services Division  
Tennessee Regulatory Authority  
460 James Roberts Parkway  
Nashville, TN 37243  
Office: 615.741.2904 x 150  
[lisa.cooper@tn.gov](mailto:lisa.cooper@tn.gov)

**Lisa Cooper**

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**From:** fgjj@comcast.net  
**Sent:** Wednesday, May 30, 2012 6:58 AM  
**To:** Lisa Cooper  
**Subject:** Fwd: Lynnwood Utility/Berry's Chapel Utility

I totally agree with David. I am a Cottonwood resident and do not feel our rates should be raised!  
gloria thomas  
lot 77

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**From:** "DAVID JOHNSON" <davejohnson41@gmail.com>  
**To:** "FRANK THOMAS" <fgjj@comcast.net>  
**Sent:** Saturday, May 26, 2012 8:20:42 PM  
**Subject:** Lynnwood Utility/Berry's Chapel Utility

Below is my input to TRA. We all should get involved, it is our community and our money.

TRA

It has been brought to the attention of at least Cottonwood Subdivision residents that Lynnwood Utility/Berry's Chapel Utility is requesting a rate increase to cover cost incurred as a result of repair expenses due to the 2010 flood and to repay subscribers for unapproved fees they have levied in the past. While I have some sympathy for the flood damage repair costs, the seemingly general attitude of Berry's Chapel Utility of no regard for their clients coupled with an exorbitant sewage fees, equal to or as much as the water rates on which their fees are based, prompts me to be opposed to any rate increase. I hope you will take action to deny their request for rate increases and any other sanction you deem appropriate in light of their apparent disregard for their clients and good business practices.

David K. Johnson  
113 Cottonwood Circle  
Franklin, TN 37069

Visit Cottonwood HOA online at <http://cottonwoodhoa.com>

## **Lisa Cooper**

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**From:** mgrant1 [mgrant1@bellsouth.net]  
**Sent:** Wednesday, May 30, 2012 8:59 AM  
**To:** Lisa Cooper  
**Subject:** Berry's Chapel Utility-docket number 11-0198

May 30, 2012

Lisa Cooper, Chief  
Consumer Services Division  
Tennessee Regulatory Authority  
460 James Roberts Parkway  
Nashville, TN 37243

Dear Ms. Cooper,

I have been a homeowner in the Cottonwood subdivision in Franklin, TN since 1997. I would like to express my concern at Berry's Chapel Utility wanting to raise our rates again. First, rates have increased considerably over the past several years, impacting our finances and property values. In addition to raising rates, I paid the \$20.00 facility fee that was later revoked, with no restitution. Berry's Chapel continues to try to find loopholes and scams to increase fees due to their own mismanagement and greed.

I am concerned that the sewer fee is seems to be based on water usage, and I am being charged almost as much for sewer as water. It is interesting that Berry's Chapel is choosing the beginning of summer when the neighborhood is watering lawns and growing gardens, using water that goes into the ground without the need for sewer treatment, to raise rates that are based on water usage. Berry's Chapel will try once again to raise our rates for water that does not get treated, just as they charged a monthly facilities charge in the past. Please do not allow Berry's Chapel Utility to make living in Cottonwood unaffordable.

Respectfully,

Mary Grant Greenebaum  
307 Heather Court  
Franklin, TN 37069  
[Mgrant1@bellsouth.net](mailto:Mgrant1@bellsouth.net)  
615-791-1369

## **Lisa Cooper**

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**From:** Frank Smith [fsmith85@hotmail.com]  
**Sent:** Wednesday, May 30, 2012 9:25 AM  
**To:** Lisa Cooper  
**Subject:** FW: Cottonwood HOA eMail Bulletin

Berry Chapel Utility should not receive rate increase until they fulfill original ruling by TRA and return the fees charged previously.

Frank Smith  
210 Cotton Lane  
Franklin TN 37069

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**From:** [rodney@acclaimedproperties.com](mailto:rodney@acclaimedproperties.com)  
**To:** [fsmith85@hotmail.com](mailto:fsmith85@hotmail.com)  
**Date:** Wed, 30 May 2012 07:45:35 -0400  
**Subject:** Cottonwood HOA eMail Bulletin

Dear Cottonwood Neighbors,

Our contact with TRA (Tennessee Regulatory Authority) is Lisa Cooper. She will receive our emails, telephone calls or letters concerning the upcoming rate increase request from Lynwood Utility.

This hearing will be held on Thursday June 7<sup>th</sup> at TRA's offices starting at 9:00 am in the ground floor hearing room.

The docket number 11-0198. Please reference this number in any correspondence with TRA.

Lisa Cooper, Chief  
Consumer Services Division  
Tennessee Regulatory Authority  
460 James Roberts Parkway  
Nashville, TN 37243  
Office: 615.741.2904 x 150  
[lisa.cooper@tn.gov](mailto:lisa.cooper@tn.gov)

Sincerely,  
Bob Grummon  
Cottonwood HOA President

Please click [HERE](#) to visit the Cottonwood HOA web site.



**Mary Kraycirik**

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**From:** Lisa Cooper  
**Sent:** Wednesday, May 30, 2012 1:32 PM  
**To:** Mary Kraycirik  
**Subject:** FW: Cottonwood - Berry's Chapel Utility fees - docket number 11-0198

Include in docket file

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CONSUMER SERVICES DIVISION  
MAY 30 2012  
TN REGULATORY AUTHORITY



*Lisa Cooper, Chief  
Consumer Services Division  
Tennessee Regulatory Authority  
460 James Roberts Parkway  
Nashville, TN 37243  
Office: 615.741.2904 x 150  
[lisa.cooper@tn.gov](mailto:lisa.cooper@tn.gov)*

**From:** Myers, Bryan [<mailto:Bryan.Myers@caa.com>]  
**Sent:** Wednesday, May 30, 2012 9:40 AM  
**To:** Lisa Cooper  
**Subject:** Cottonwood - Berry's Chapel Utility fees - docket number 11-0198

Hello Lisa, we just moved into Cottonwood and have already been surprised by the high fees from Berry's Chapel Utility. To now hear they are wanting to increase rates even more is shocking. Please intercede here.

Thank you

Bryan Myers  
CAA  
401 Commerce Street, penthouse suite  
Nashville, TN 37219

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**Mary Kraycirik**

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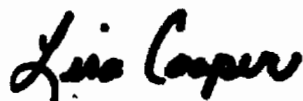
**From:** Lisa Cooper  
**Sent:** Wednesday, May 30, 2012 1:31 PM  
**To:** Mary Kraycirik  
**Subject:** FW: Docket# 11-0198

RECEIVED  
CONSUMER SERVICES DIVISION

MAY 30 2012

TN REGULATORY AUTHORITY

Include in docket file



*Lisa Cooper, Chief*  
*Consumer Services Division*  
*Tennessee Regulatory Authority*  
*460 James Roberts Parkway*  
*Nashville, TN 37243*  
*Office: 615.741.2904 x 150*  
*[lisa.cooper@tn.gov](mailto:lisa.cooper@tn.gov)*

**From:** jim southerland [<mailto:ucajds@gmail.com>]  
**Sent:** Wednesday, May 30, 2012 10:16 AM  
**To:** Lisa Cooper  
**Subject:** Docket# 11-0198

Lisa,

Perhaps a rate increase is needed by Berry's Chapel Utility, your group is in a better position to make that judgement than we in Cottonwood Subdivision are. I do feel that \$25 to \$30 per month for a couple, that is only at home at night and the weekends, is a high rate already. The thing that is upsetting is the way the purchasers of this utility thought that they would be above the law and regulatory commission applicable to utilities. Sending out a letter to change to a co-op with the full intent of being able to charge whatever rate they wanted to charge. It seems from what I read that they purchased this to get all the money they could out of it and then use it to absorb their losses by manipulating the rates to cover the losses.

I would only ask that you study their request very carefully and thoroughly investigate any requests they make as they seem to be such shysters.

**Lisa Cooper**

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**From:** john gerdes [johngerdes2@gmail.com]  
**Sent:** Wednesday, May 30, 2012 10:46 AM  
**To:** Lisa Cooper  
**Subject:** Lynnwood Utility - rate increase

I live in Cottonwood subdivision and am very concerned about the Lynnwood Utility request for a rate increase. In the past they have tried to gouge us on a sewer increase. I would hope you would carefully monitor them and make them justify an increase in fees. Thank you for your attention to this matter.

John T. Gerdes -110 Riverwood Drive

**Lisa Cooper**

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**From:** CARLAPERRIN@aol.com  
**Sent:** Wednesday, May 30, 2012 12:58 PM  
**To:** Lisa Cooper; rodney@acclaimedproperties.com  
**Subject:** sewage increase docket 11-0198

**NO NO NO**

1st You just arbitrarily increase rates without authority (charge still on statements) 2nd About a month ago, black rings started appearing around the inside of my toilets (weren't there before, as I clean them weekly. 3rd I have never seen mentioned any benefit that would Cottonwood would derive from this increase. This request is VETOED. Carla Perrin Cottonwood

## **Lisa Cooper**

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**From:** Mike Knotts [mike@mikeknotts.com]  
**Sent:** Wednesday, May 30, 2012 1:44 PM  
**To:** Lisa Cooper  
**Subject:** Berry's Chapel Utility, Docket No. 11-0198

Ms. Cooper,

This message is in concern to docket number 11-0198, which I understand also encompasses docket number 11-0180, in relation to Berry's Chapel Utility's request for a rate increase.

I humbly ask for the following questions/comments to receive consideration by the Directors as they deliberate this request.

**1 - Who owns Berry's Chapel Utility?**

It is unclear to me who currently owns BCU. However, there is no doubt that at the time of the losses being used to justify this request for a rate increase (May 2010 flood), BCU/Lynwood was a for-profit entity owned by a specific group of individuals. Therefore, the owners of the entity bear the responsibility for both the corporations profit and the corporations loss.

As the Directors consider how much of the May 2010 to allow for recovery in the rate base, I urge them to not be distracted by BCU's attempts to shield that loss from its owners through subsequent changes in incorporation status. Regardless of today's status, at the time of the loss it was a for-profit entity with specific owners who bear specific responsibility for the corporations profit/loss. Future consumers should not be required to bear the expense for which ownership seeks to walk away from.

**2 - Who is liable for BCU management's illegal or unauthorized actions?**

It is clear that BCU's imposition of a customer charge without TRA approval was inappropriate, unauthorized, or otherwise illegal. This is evident through BCU's own actions of stopping the charge, not seeking to collect amounts withheld from customers payments, and seeking to include the cost of issuing refunds of the customer charge in its rate request. This is in spite of BCU's insistence that it was an unregulated entity from 8/20/2010 to 6/6/2011 (the period of BCU's "non-profit" status, before the effective date of the legislation codifying TRA regulation) despite the fact it was not until 4/1/2011 that the corporations public benefit status changed to "public."

It is my contention that it is wholly inappropriate to allow the cost of refunds of a unauthorized customer charge to be refunded through the rate base. It only requires common sense to deduce that asking the persons defrauded to finance their own restitution is illogical. I ask the Directors to reject this portion of the rate request calculation outright.

**3 - BCU is not a cooperative.**

As someone who works in the cooperative business world (I am the Director of Government Affairs for the Tennessee Electric Cooperative Association), I can attest that BCU does not in any way operate as a cooperative. Cooperatively-organized businesses operate under seven common principles:

- Voluntary and Open Membership
- Democratic Member Control

- Member Economic Participation
- Autonomy and Independence
- Education, Training, and Information
- Cooperation among Cooperatives
- Concern for Community

BCU has demonstrated none of the above principles in its business model. Further, I am certain that BCU has obtained far fewer than the minimum required memberships to qualify as a cooperative under state law. BCU should be treated as a corporation and a public utility, period.

In closing, I understand the need for a utility to collect revenues sufficient to cover the costs of its operations. However, I urge the Directors of the Authority to consider the long history of deceitful actions and circumventing of TRA authority by BCU, and its predecessor entity Lynwood Utilities (see the Findings and Conclusions of Docket Number 11-0005), as it determines what is in the public interest.

I thank you, as well as the Directors, for your time and attention to this matter.

Yours truly,

Mike Knotts  
127 Cottonwood Drive  
Franklin, TN 37069

615-791-1315

## **Lisa Cooper**

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**From:** Myers, Bryan [Bryan.Myers@caa.com]  
**Sent:** Wednesday, May 30, 2012 1:49 PM  
**To:** Lisa Cooper  
**Subject:** RE: Cottonwood - Berry's Chapel Utility fees - docket number 11-0198

Thank you Lisa. Not sure how the process works or where you step in, but would love to know.

Bryan Myers  
CAA  
401 Commerce Street, penthouse suite  
Nashville, TN 37219

**From:** Lisa Cooper [mailto:Lisa.Cooper@tn.gov]  
**Sent:** Wednesday, May 30, 2012 1:41 PM  
**To:** Myers, Bryan  
**Subject:** RE: Cottonwood - Berry's Chapel Utility fees - docket number 11-0198

Mr. Myers,  
Thank you for submitting your comments. They will be placed in the docket file for the evidentiary record.



*Lisa Cooper, Chief*  
*Consumer Services Division*  
*Tennessee Regulatory Authority*  
*460 James Roberts Parkway*  
*Nashville, TN 37243*  
*Office: 615.741.2904 x 150*  
*[lisa.cooper@tn.gov](mailto:lisa.cooper@tn.gov)*

**From:** Myers, Bryan [mailto:Bryan.Myers@caa.com]  
**Sent:** Wednesday, May 30, 2012 9:40 AM  
**To:** Lisa Cooper  
**Subject:** Cottonwood - Berry's Chapel Utility fees - docket number 11-0198

Hello Lisa, we just moved into Cottonwood and have already been surprised by the high fees from Berry's Chapel Utility. To now hear they are wanting to increase rates even more is shocking. Please intercede here.

Thank you

Bryan Myers  
CAA  
401 Commerce Street, penthouse suite  
Nashville, TN 37219