

David Foster

DOCKET NO.

11-00198

RECEIVED

From: David Foster
Sent: Friday, August 03, 2012 3:32 PM
To: 'Mike Smith'
Subject: RE: Berry's Chapel Utilities, Inc.

2012 AUG -7 AM 9:43

T.R.A. DOCKET ROOM

Mr. Smith,

The \$30.00 monthly charge is a fixed charge that does not account for usage, rather than a minimum monthly charge. Their letter may not have stated this accurately. By my calculations they have billed you correctly in accordance with the TRA's decision.

30.00 (fixed) + \$24.21 (6.37*3.8) usage + 8.93 (flood costs) for a total of \$63.14.

Refund Update

The TRA determined that Berry's Chapel was a public utility subject to its jurisdiction for the time period that it collected the overpayment. Because of this ruling, it appears that the monies collected by Berry's Chapel without TRA permission were done so illegally. However, the TRA's decision on its jurisdiction has been challenged in the Tennessee Court of Appeals, and the TRA cannot make a determination on a refund to those customers until the higher court matter is concluded. The TRA and the Attorney General are vigorously defending the case, and at the conclusion of the suit, if the TRA prevails, the TRA will continue its proceedings to ensure that the monies which the TRA believes were illegally collected are refunded.

I hope this helps in explaining how charges are to be assessed based on the Authority's approval. Should you have any further questions or seek additional information, please e-mail me or call me at (615) 741-2904, ext. 188.

David Foster, Chief
Utilities Division
Tennessee Regulatory Authority

From: Mike Smith [<mailto:Mike.Smith@ChristCommunity.org>]
Sent: Friday, August 03, 2012 2:34 PM
To: David Foster
Subject: Berry's Chapel Utilities, Inc.

Greetings,

I left you a voicemail Friday, Aug 3, 2012 at 2:15 p.m. I am asking about Berry's Chapel Utilities, Inc. of which I am a customer. I have tried to call their number (615)790-3632 with no success. It goes to voice-mail and announces the voice-mailbox is full. They sent a letter telling of the TRA June 8, 2012 Actions petition for a rate increase and flood recovery damage cost. The letter indicates a minimum monthly customer charge of \$30.

We paid a \$20 flood recovery damage for 10 months and Berry's Chapel has not acknowledged that. We received a bill from Berry's Chapel for \$63.14 with the following breakdown: usage \$6.37 per 1000 gallons (3800 used); Customer Charge \$30.00 and Flood Damage Surcharge \$8.93 totaling \$63.14. I believe our bill should be \$30 since that is the minimum monthly charge as our usage was under \$30 and we have paid in \$200 already for Flood Damage. We should have a credit (as their allowed recovery is $8.93 \times 12 = \$107.16$) of \$92.84.

I would appreciate clarification of a "minimum monthly Customer charge."

Grateful for your work,

Mike Smith

Mike Smith

Cell: 615.405.8966