

David Foster

From: David Foster
Sent: Friday, August 17, 2012 11:30 AM
To: 'priced@comcast.net'
Cc: Sara Kyle; Shirley Frierson
Subject: Berry's chapel sewer bill

Mr. Price,

I am responding on behalf of Director Sara Kyle concerning your inquiry of Berry's Chapel's sewer rates. After conducting an evidentiary hearing, the Authority approved a rate increase for Berry's Chapel on June 8. As you are aware the new rates approved are as follows:

Monthly customer charge (includes no water usage)	\$30.00
Volumetric charge per 1000 gallons (billed pro rata)	6.37
Flood surcharge (for twelve months)	8.93

There will be an appeal process to parties of record after entry of the Authority's final order in this proceeding. The Consumer Advocate and Protection Division of the State Attorney General's Office was a party to the proceeding and represents consumers on issues before the Authority. They will have the legal right to ask the Authority to reconsider any part of the aforementioned decision. Also, their office will have the opportunity, if it chooses, to appeal the matter to the State Appellate Court for consideration. Their office number is (615) 741-1671.

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 (\$20.00 monthly charge). 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 information is useful and explains the process of the rate case and refund.

Sincerely,

David Foster, Chief
Utilities Division
Tennessee Regulatory Authority

C: Docket File