

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**February 9, 2012**

**IN RE:**

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

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**DOCKET NO.  
11-00198**

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**ORDER SUSPENDING TARIFF THROUGH MAY 15, 2012**

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This matter is before the Hearing Officer, duly appointed by the Directors of the Tennessee Regulatory Authority ("Authority" or "TRA"), to administer certain preliminary issues that may arise during the preparation of this matter for hearing before the Authority. On November 15, 2011, Berry's Chapel Utility, Inc. ("Berry's Chapel" or the "Company") filed its *Petition* in which it requests that the Authority set a hearing and determine, after the presentation of evidence, that the rates proposed by Berry's Chapel are just and reasonable. The tariff accompanying the *Petition* lists an effective date of December 14, 2011. During a regularly scheduled Authority Conference held on December 12, 2011, the Directors voted unanimously to suspend the proposed tariff for sixty days from December 14, 2011.<sup>1</sup>

Tenn. Code Ann. § 65-5-103 permits the Authority to suspend any increase, change, or alteration initially for a period of three months from the proposed effective date of the increase, change, or alteration and provides that the TRA may "extend the period of suspension for such further period as will reasonably enable it to complete its investigation of any such increase,

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<sup>1</sup> *Order Suspending Tariff for Sixty (60) Days, Convening a Contested Case Proceeding and Appointing a Hearing Officer* (January 6, 2012).

change or alteration . . . .<sup>2</sup> Because the hearing and determination of the Company's proposed increase, change, or alteration in tariffs cannot be completed within the time period of the original suspension, the Hearing Officer hereby suspends the effectiveness of the tariff filed with the *Petition* through **May 15, 2012**.

**IT IS THEREFORE ORDERED THAT:**

The *Petition* and the effective date of the tariff filed with the *Petition* by Berry's Chapel Utility, Inc., are hereby suspended through **May 15, 2012**.

  
Kelly Cashman Grams, Hearing Officer

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<sup>2</sup> Tenn. Code Ann. § 65-5-103(a).