

BRANSTETTER, STRANCH & JENNINGS, PLLC

ATTORNEYS AT LAW
227 SECOND AVENUE NORTH
FOURTH FLOOR

NASHVILLE, TENNESSEE 37201-1631
TELEPHONE (615) 254-8801 ~ FACSIMILE (615) 250-3937

CECIL D. BRANSTETTER, SR.
C. DEWEY BRANSTETTER, JR.
RANDALL C. FERGUSON
R. JAN JENNINGS*
JOE P. LENISKI, JR.
DONALD L. SCHOLES
MIKE STEWART
JAMES G. STRANCH, III
J. GERARD STRANCH, IV
MICHAEL J. WALL

ASSOCIATES:
KARLA M. CAMPBELL
BEN GASTEL*
STACEY K. SKILLMAN **

OF COUNSEL:
ROBERT E. RICHARDSON, JR. ***

October 1, 2012

* ALSO ADMITTED IN GA
** ALSO ADMITTED IN KY
*** ONLY ADMITTED IN OH

filed electronically in docket office on
10/01/12

Via Hand Delivery

Ms. Sharla Dillon
Docket Room Manager
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Re: Petition of Laurel Hills Condominiums Property Owners Association for a
Certificate of Public Convenience and Necessity
Docket No. 12-00030

Dear Sharla:

I have enclosed an original and five copies of the Response of Laurel Hills Condominiums Property Owners Association to Customer Intervenors' Request for Subpoena in the above styled case along with this cover letter.

This Response and this cover letter are being filed electronically by electronic mail this same date. Please return the additional copy of the Response stamp filed to me.

Thank you for your assistance.

Sincerely yours,



BENJAMIN A. GASTEL

Enclosure

c: Shiva Bozarth
John J. Baroni
Melanie Davis
Robert Schwerer
Michael McClung

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

IN RE:

PETITION OF LAUREL HILLS

CONDOMINIUMS PROPERTY OWNERS

ASSOCIATION FOR A CERTIFICATE

OF PUBLIC CONVENIENCE AND

NECESSITY

DOCKET NO. 12-00030

**RESPONSE OF LAUREL HILLS CONDOMINIUMS PROPERTY OWNERS
ASSOCIATION TO CUSTOMER INTERVENORS' REQUEST FOR SUBPEONA**

On September 27, 2012, Gary Haiser, et. al (the "Customer Intervenors") requested a subpoena in order to take the deposition of Everett Bolin, a representative of the Crab Orchard Utility District ("Crab Orchard"). Crab Orchard is the water utility that provides water to Laurel Hills Condominiums Property Owners Association ("Laurel Hills").

In their request, the Customer Intervenors provide no indication as to the information Mr. Bolin possesses that relates to the issues in the Petition. At its core, this proceeding is about setting a reasonable rate for the provision of water to Laurel Hills' customers. To this end, Laurel Hills has already provided information related to the amount of water that it purchases from Crab Orchard, and the outstanding amounts due to Crab Orchard. These billings cannot reasonably be in dispute, and it is unclear what, if any, additional information Crab Orchard possesses that would materially impact this proceeding. To the extent the Customer Intervenors wish to dispute the Laurel Hills' billings and payment history or see any other document related to the Laurel Hills account with Crab Orchard they may inspect Crab Orchard's records without a subpoena at no cost because Crab Orchard is a public utility district under the laws of the State

of Tennessee, and is therefore subject to public records inspection requests. The Customer Intervenor can do this on their own time, and at their own cost without imposing additional, unnecessary costs on Laurel Hills.

In summary, the requested deposition will only add to the cost of this proceeding and there are alternative, cheaper, and highly accessible alternative means to obtain any relevant information in the possession of Crab Orchard. Accordingly, the TRA should deny the request. To the extent that the TRA permits the deposition, Laurel Hills strongly recommends that, in lieu of a formal oral deposition, Mr. Bolin's deposition be taken by written question in accordance with Tenn. R. Civ. P. 31, or a functionally similar process. This will drastically reduce the costs Laurel Hills would incur in having to travel to Crossville and back to attend the deposition which costs must be recovered from Laurel Hills customers in this case.

DATED: October 01, 2012

RESPECTFULLY SUBMITTED,



Donald L. Scholes
Benjamin A. Gastel
Branstetter, Stranch & Jennings, PLLC
227 Second Avenue North
Fourth Floor
Nashville, TN 37201-1631

CERTIFICATE OF SERVICE

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

John J. Baroni,
Assistant Attorney General
Office of the Attorney General and Reporter
Consumer Advocate and Protection Division
P.O. Box 20207
Nashville, TN 37202-0207

Melanie Davis, Esq.
Kizer & Black
329 Cates Street
Maryville, TN 37801-4903

Jean Stone, General Counsel
Monica Smith-Ashford, Senior Policy Advisor and Hearing Officer
Shiva Bozarth, Esq.
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

on this the 1st day of October, 2012.



Benjamin A. Gastel
Attorney For Petitioner