

KIZER & BLACK, ATTORNEYS, PLLC

329 CATES STREET

MARYVILLE, TENNESSEE 37801-4903

TELEPHONE: (865) 982-7650

FACSIMILE: (865) 982-5776

BEN W. KIZER
(1920-1996)

DAVID T. BLACK
MARTHA S. L. BLACK
JOHN T. McARTHUR
J. KEVIN RENFRO
MELANIE E. DAVIS
MATTHEW C. HARALSON
SHERRI L. DeCOSTA ALLEY
G. KEITH ALLEY
P. ANDREW SNEED
KELLY LOVE MANNING*
SARAH SWANSON HIGGINS*
ANDREW S. TRUNDLE

October 1, 2012

LENOIR CITY OFFICE
902 EAST BROADWAY
LENOIR CITY, TENNESSEE 37771
TELEPHONE: (865) 986-1660
FACSIMILE: (865) 986-2609
*ADMITTED IN GEORGIA

filed electronically in docket office on
10/01/12

Writer's Direct Dial: (865) 980-1625
Writer's Direct Fax: (865) 980-1640

VIA E-MAIL TRANSMISSION: sharla.dillon@etn.gov

and

FIRST CLASS MAIL

Sharla Dillon, Clerk
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

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


Dear Ms. Dillon:

Please find attached hereto the Supplemental Filing of Exhibit to Direct Testimony of John S. Moore on behalf of Gary Haiser, et al, which I would appreciate you filing in the above matter. I will be forwarding to you today by first class mail the original and four copies of this document.

Should you have any questions, please give me a call at the direct dial number above.

With kindest regards, I am

Very truly yours,



Melanie E. Davis

MED:ps
Enclosures

BEFORE THE
TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

In Re:

PETITION OF LAUREL HILLS'
CONDOMINIUMS PROPERTY
OWNERS ASSOCIATION
FOR A CERTIFICATE OF PUBLIC
CONVEYANCE AND NECESSITY.

Docket No. 12-00030

SUPPLEMENTAL FILING OF EXHIBIT TO DIRECT TESTIMONY OF JOHN S. MOORE ON BEHALF OF GARY HAISER; JOHN MOORE; GERALD NUGENT; ROY PERRY; JOHN PETERS; JOEL MATCHAK; ROBERT ADKINS; JOE GARNER; TERRY COPE; ROBERT SCHWARTZ; ONUS WILLIAMS; GENE MANERS; MICHAEL KRABOUSANOS; WENDELL BLAIR; LUKE DUNN; DAVID BREG; KENT LATHAM; CORTEZ INVESTMENT GROUP, INC.; JIMMY DOUGLAS; THOMAS BAUER; DONALD SANDLIN; JUDY SCALES PATTERSON; ISAAC GAMBLE; RENEE TODD; RICHARD KNAPP; JOHN CHAMBERS; JOHN P. PETERS REVOCABLE TRUST; AND CUMBERLAND POINT CONDOMINIUM OWNERS ASSOCIATION, OR THE ("CUSTOMERS").

Come now the Customers Interveners and file the attached as Exhibit 1 to the previously filed Direct Testimony of John S. Moore on behalf of Gary Haiser, et al. This Exhibit 1 has attachments that were provided in the previous filing. Furthermore, this Exhibit 1 is referenced in Mr. Moore's testimony.

Gary Haiser, John Moore, Gerald Nugent and
others as listed above.

By Counsel:

A handwritten signature in black ink, appearing to be 'ME', is written above a horizontal line.

MELANIE E. DAVIS,

Tennessee Bar No. 017947

Kizer & Black Attorneys, PLLC

329 Cates Street

Maryville, Tennessee 37801

Telephone: (865) 980-1625

WATER HISTORICAL SEQUENCE OF EVENTS OF RENEGADE RESORT (INCEPTION THRU TRA AMENDED FILING BY LAUREL HILLS)						
SEQ	DATE	EVENT	SYNOPSIS	DOCUMENT	VIEWING LOCATION	COMMENTS
1	May 31, 1999	Water System Operated by the HOA Cumberland Gardens Comm Club	Cumberland Gardens was the predecessor to Renegade Mtn Community Club	Canceled Checks showing payment	Attachment #1	Owned by the HOA? Records not released
2	2001	Water System purportedly sold or transferred	Purportedly sold or transferred to Renegade Mountain Water System, LLC	None Located	N/A	Records requested but not released by former BOD
3	August 30, 2006	Sanitary Survey Conducted by TDEC	Found various violations, TDEC attempted compliance with no activity or response	2006 Sanitary Survey	Transmit electronically upon request	Large File
4	July 10, 2009	Enforcement Action pursued by State of Tennessee (09-13411)	Enforcement action pursued until compliance by Laurel Hills on Jan 1, 2012	Dismissal Document dated Feb 1, 2012	Laurel Hills Initial TRA Petition (Exh 2)	
5	September 28, 2010	Moy Toy, LLC purchases Renegade Mountain	Undeveloped land from Renegade Resorts, LLC	Deed, no known Bill of Sale	Cumb County Book 1351, Page 2035	
6	September 28, 2010	Moy Toy, LLC purchases additional land	Undeveloped land and water tower site from J.L. Wucher Co., LLC	Deed, no known Bill of Sale	Cumb County Book 1351, Page 2021	Date in TRA Petition is listed as December 28, 2010
7	September 28, 2010 to May 1, 2011	Water System continues to operate; no responsibility assumed	2010 water fees collected, Mountain Spring Water, LLC pays water bills to COUD	Laurel Hills initial TRA Petition for CCN (Apr 10)	Paragraph 3	Date in TRA Petition is listed as December 28, 2010
8	May 1, 2011	Water system acquired by Laurel Hills Condominiums POA	Purchase price of \$400,000.00	Laurel Hills initial TRA Petition for CCN (Apr 10)	Exhibit 1	Water Tower Site and Bill of Sale listed
9	May 17, 2011	First Request for Records to Renegade Mountain Community Club	Request to review, membership rosters. Meeting Minutes, deeds, transfers, etc	Request Letter	Attachment #2	Certified Mail Receipt June 1, 2011; no response
10	May 27, 2011	First 2011 water bill received from Laurel Hills POA	\$125 (Jan-May 2011) with note indicating new rate effective June 2011 is necessary	Copy of Initial bill and note are not available	N/A	Never heard of Laurel Hills prior to this date.
11	May 30, 2011	Letter sent on Homeowners behalf to Laurel Hills	Requests to see documents authorizing L/H to operate a public water system	Letter	Attachment #3	Certified Mail Receipt June 2, 2011; no response
12	June 7, 2011	Legal consult with W. Alan Rose on behalf of Homeowners	Explored legal statutes on escrowing water utility bills in lieu of payment.	Check/Receipt	Attachment #4	
13	June 13, 2011	Promissory Note signed between Laurel Hills POA and Moy Toy, LLC	Purchase price of \$400,000.00	Laurel Hills Response to Staff Data Request (Sep 7)	Data Response # 1, Page 2	Recorded? Secured?
14	July 1, 2011	Receive June/July combined water bill from Laurel Hills	Bill is for \$172.80 or for two months of water service	Invoice	Attachment #5	
15	July 4, 2011	Interim water rate negotiated with Cumberland Point Condo Assoc	Laurel Hills agent Darrell McQueen negoti- ated \$43.20 rate for remainder of 2011	Signed Affidavit	Haiser, et al Petition to Intervene (Exh #2)	
16	July 5, 2011	Interim water rate negotiated with Renegade Mtn Community Club	Laurel Hills agent Darrell McQueen negoti- ated \$43.20 rate for remainder of 2011	Signed Affidavit	Haiser, et al Petition to Intervene (Exh #2)	

17	September 2, 2011	Special Meeting of the Renegade Mountain Community Club	Membership votes to remove Guettler and McClung as RMCC Directors	Proposition 11-001, Removal of Directors	Attachment #6	
18	October 14, 2011	First Request for Records to former RMCC BOD	Request to review, membership rosters. Meeting Minutes, deeds, transfers, etc	Request Letter	Haiser, et al Petition to Intervene (Exh #1)	Sent from legal counsel to legal counsel, denied
19	October 31, 2011	Letter received from Laurel Hills setting aside the agreed \$43.20 rate	Laurel Hills cites a temporary "hardship discount" and demands all back sums	Letter	Haiser, et al Petition to Intervene (Exh #1)	Sent with monthly bills and received in early November
20	November, 2011	Laurel Hills stops cashing any checks referencing #43.20 as full payment	Nov/Dec checks from Cumberland Point (\$7257.00), Nugent (86.40) not cashed	McClung Affidavit in support 2012-CH-513 (Para 10)	Transmit electronically upon request	Large File
21	December 21, 2011	RMCC files legal suit against RMCC former Directors and Moy Toy, LLC	Cumberland County Chancery Court, Case #2011-CH-508 again demands records	Complaint 2011-CH-508	Attachment #7	Second demand for RMCC records from prior Directors
22	December 22, 2011	Emergency meeting of Laurel Hills Condominiums POA Directors	Laurel Hills can't pay its bills, water system will be shut down Feb 1, 2012	Notification Letter	Laurel Hills Initial TRA Petition (Exh 3)	Retaliation?
23	December 30, 2011	Letter from Laurel Hills announcing water system shutdown	Laurel Hills can't pay its bills, water system will be shut down Feb 1, 2012	Notification Letter	Laurel Hills Initial TRA Petition (Exh 3)	Retaliation?
24	January 6, 2012	Letter sent by Crab Orchard Utility District to Laurel Hills	In response to Laurel Hills Letter (12-30), COUD states they will not turn off water	Letter	Attachment #9	In response to Dec 30, 2011 letter from Laurel Hills
25	January 19, 2012	Work order request received by Electric Company from Laurel Hills	Laurel Hills requests VEC to pull electric meter on pump station Jan 20, 2012	Work Order	VEC will produce only via subpoena	Not subpoenaed
26	January 19, 2012	VEC notifies RMCC President of impending electric cutoff to pumps	VEC confirms that pulling pumphouse meter will shut down water system	Direct Testimony, John Moore	Page 11	Demonstrates abandonment of water system?
27	January 20, 2012	VEC cuts power to Laurel Hills meter at Mullinix Pump House	President of RMCC, to avert water shut down, assumes responsibility for electric	VEC Electric Bill	Attachment #8	Electric eventually trans back to Laurel Hills
28	February 1, 2012	Guettler turns valve and cuts water to 87 living units, no 60 day notice	Laurel Hills cites nonpayment, but 86 of 87 living units are paid to date at \$43.20 rate	Temporary Restraining Order	Laurel Hills Initial TRA Petition (Exh 5)	
29	February 3, 2012	Six Laurel Hills Customers file TRO and Injunction against Laurel Hills	Requires Laurel Hills to stop actions, turn water on and not to dismantle system	Temporary Restraining Order	Laurel Hills Initial TRA Petition (Exh 5)	
30	February 3, 2012	Six Laurel Hills Customers file legal suit against Laurel Hills & Directors	Cumberland County Chancery Court, Case #2012-CH-513	Complaint 2012-CH-513	Laurel Hills Initial TRA Petition (Exh 4)	Alleges retaliation for filing complaint 2011-CH-508
31	February 6, 2012	Defendants are legally served and water is restored	Water service is restored to all 87 living units after 6 days without water.	Direct Testimony, John Moore	Page 14	
32	February 6, 2012	While restoring water service, sabotage of the valve is discovered	A Laurel Hills Director packed the 36" valve housing with asphalt/sand	Picture	Attachment #10	Electronic File to retain picture clarity
33	February 14, 2012	Initial Temporary Restraining Order Merit Hearing	TRO extended 60 days, \$43.20 rate retro to June 2011, Laurel Hills to report to TRA	February 28, 2012 Order	Laurel Hills Initial TRA Petition (Exh 6)	

34	February 16, 2012	Laurel Hills notification letter to the TRA that a Petition is forthcoming	Self Explanatory	Laurel Hills Letter	Laurel Hills Initial TRA Petition (Exh 7)	
35	February 17, 2012	Chancellor allows 5 additional days to add Plaintiffs to 2012-CH-513	Amended Complaint is filed by adding 21 individuals and Cumb Point Condo Assoc.	Amended Complaint 2012-CH-513	Attachment #11	Now Representing 29 Customers, 112 living units
36	February 28, 2012	Written order published signed by Chancellor Thurman	TRO extended 60 days, \$43.20 rate retro to June 2011, Laurel Hills to report to TRA	February 28, 2012 Order	Laurel Hills Initial TRA Petition (Exh 6)	
37	April 10, 2012	Laurel Hills files initial Petition for a CCN	Self Explanatory	Laurel Hills CCN Petition	TRA Docket 12-00030	
38	May 1, 2012	"Customers" file a Petition to Intervene with TRA	Cites inequities, misrepresentations and omissions in the April 10th Petition	Customers Petition to Intervene	TRA Docket 12-00030	
39	May 7, 2012	Laurel Hills files a Notice of Dismissal and Withdrawal	Cites that is no longer a Public Utility, will serve only itself, cut all water off July 9th	Laurel Hills Notice of Dismissal and Withdrawal	TRA Docket 12-00030	
40	May 7, 2012	Laurel Hills issues a discontinuance notice to all customers	Cites it will serve only itself and gives customers 60 days to find alt water source	Laurel Hills Letter	Laurel Hills Notice of Dismissal (Exhibit 1)	
41	May 21, 2012	Laurel Hills fails to attend a Show Cause Proceeding called by the TRA	Cites TRA lacks authority, no money for a defense, not feasible to operate	Laurel Hills Response Notice to Appear	TRA Docket 12-00030	
42	June 20, 2012	TRA Staff Meeting with Counsel to Laurel Hills Water System	Laurel Hills unwilling to proceed with CCN process and unwilling to comply with TRA	TRA Petition for Injunctive Relief against Laurel Hills	TRA Docket 12-00030	
43	July 12, 2012	Initial TRA Injunctive Relief Merit Hearing	Laurel Hills is a Public Utility; \$43.20 rate for all customers; Laurel Hills back to TRA	July 29, 2012 Order	TRA Records	
44	July 29, 2012(?)	Written order published signed by Chancellor Thurman	Laurel Hills is a Public Utility; \$43.20 rate for all customers; Laurel Hills back to TRA	July 29, 2012 Order	TRA Records	
45	May 31, 1999	Laurel Hills applies to Reinstate its Petition for a CCN	Monthly proposed water rate is now \$135.00	Laurel Hills Amended Petition dated Aug 3, 2012	TRA Docket 12-00030	Proposed rate up from \$86.40 in original Petition

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing of SUPPLEMENTAL FILING OF EXHIBIT TO DIRECT TESTIMONY OF JOHN S. MOORE ON BEHALF OF GARY HAISER; JOHN MOORE; GERALD NUGENT; ROY PERRY; JOHN PETERS; JOEL MATCHAK; ROBERT ADKINS; JOE GARNER; TERRY COPE; ROBERT SCHWARTZ; ONUS WILLIAMS; GENE MANERS; MICHAEL KRABOUSANOS; WENDELL BLAIR; LUKE DUNN; DAVID BREG; KENT LATHAM; CORTEZ INVESTMENT GROUP, INC.; JIMMY DOUGLAS; THOMAS BAUER; DONALD SANDLIN; JUDY SCALES PATTERSON; ISAAC GAMBLE; RENEE TODD; RICHARD KNAPP; JOHN CHAMBERS; JOHN P. PETERS REVOCABLE TRUST; AND CUMBERLAND POINT CONDOMINIUM OWNERS ASSOCIATION, OR THE ("CUSTOMERS") has been served upon the following:

Shiva Bozarth, General Counsel
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505


John J. Baroni, Esq
Consumer Advocate Division
Office of the Attorney General
P.O. Box 20207
425 5th Avenue North, 5th Floor
Nashville, TN 37243-3400

Donald L. Scholes, Esq
Branstetter, Stranch and Jennings, PLLC
227 Second Avenue North, 4th Floor
Nashville, TN 37201-1631

Benjamin A. Gastel, Esq
Branstetter, Stranch and Jennings, PLLC
227 Second Avenue North, 4th Floor
Nashville, TN 37201-1631

by mailing a true and accurate copy via U.S. Mail, postage prepaid, this the 1st day of
October, 2012

Kizer & Black Attorneys, PLLC:

A handwritten signature in black ink, consisting of a stylized 'M' followed by a large loop, positioned above a horizontal line.

Melanie E. Davis