

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**October 5, 2012**

**IN RE:**

**PETITION OF LAUREL HILLS CONDOMINIUMS  
PROPERTY OWNERS ASSOCIATION FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY**

**DOCKET NO.  
12-00030**

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**ORDER REVISING PROCEDURAL SCHEDULE AND GRANTING MOTION TO  
SUBMIT LATE DISCOVERY REQUEST**

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On September 20, 2012, Gary Haiser *et al.* ("Customer Intervenors") filed its first discovery request along with a *Motion for Extension Of Time To File Discovery Requests By Gary Haiser Et Al. to Laurel Hills* ("Motion for Extension of Time") because its Counsel experienced a personal emergency that prevented filing discovery requests according to the Procedural Schedule. Laurel Hills Condominiums Property Owners Association ("Laurel Hills") did not object to the motion, nor were there any other objections filed.<sup>1</sup>

The Hearing Officer finds there were extenuating circumstances preventing the Customer Intervenors from filing the discovery requests according to the Procedural Schedule, and other Parties had missed deadlines in the Procedural Schedule, as well. Therefore, the Hearing Officer grants the Customer Intervenors' *Motion for Extension of Time* and will allow the discovery requests filed on September 20, 2012.

On September 28, 2012, the Customer Intervenors filed a *Motion for Continuance of Hearing Date and Revised Scheduling Order* ("Motion for Continuance") requesting that the hearing date be moved from November 7, 2012 to January 7, 2013. The Customer Intervenors assert that the parties' failed to comply with the Procedural Schedule and because of the vast amount of work required by experts to evaluate the information filed, this work cannot properly be completed by November 7<sup>th</sup>.<sup>2</sup> The Consumer Advocate and Protection Division of the Office

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<sup>1</sup> See *Motion for Extension of Time* (September 20, 2012).

<sup>2</sup> See *Motion for Continuance* (September 28, 2012).

of the Attorney General (“Consumer Advocate”) responded that it did not object to the Customer Intervenor’s *Motion for Continuance*.<sup>3</sup> The Consumer Advocate stated “even though the parties have worked diligently in this case, much work remains to be done. Accordingly, a continuance from the current hearing date would make a thorough and well-prepared hearing more likely.”<sup>4</sup> Laurel Hills objected to the hearing date being moved and proposed a modified procedural schedule with the hearing to be held on November 7<sup>th</sup>.<sup>5</sup>

The Hearing Officer finds that based on the complexity of the information filed and the need for the experts to have adequate time to analyze the information provided, it is not possible for this docket to be ready for a hearing on November 7, 2012. In addition, due to medical reasons, the Hearing Officer will be unavailable to handle prehearing issues after December 5, 2012. Therefore, it would unlikely to have the docket ready for the January 7, 2013 hearing date requested by the Customer Intervenor’s in its motion. The Hearing Officer will be available mid to late January to handle prehearing issues and prepare the docket for the February Authority Conference. Based on these findings, the Hearing Officer grants, in part the Customer Intervenor’s *Motion for Continuance* and will change the hearing date from November 7, 2012 to the first available Authority Conference Date in February 2013. The Revised Procedural Schedule is as follows:

<b>October 15, 2012</b>	<b>Discovery Requests by All Parties</b>
<b>October 19, 2012</b>	<b>Objections to Discovery Requests</b>
<b>October 26, 2012</b>	<b>Responses to Discovery Requests by All Parties</b>
<b>November 2, 2012</b>	<b>Motions to Compel Due</b>
<b>November 16, 2012</b>	<b>Pre-filed Direct Testimony of the Intervenor</b>
<b>November 30, 2012</b>	<b>Petitioner’s Rebuttal Testimony</b>
<b>December 5, 2012</b>	<b>Status conference</b>
<b>January 29, 2013</b>	<b>Prehearing Conference</b>

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<sup>3</sup> See *Response to Customer Intervenor’s Motion for Continuance Of Hearing Date And For Revised Scheduling Order*, p.1 (September 28, 2012).

<sup>4</sup> *Id.*

<sup>5</sup> See Email from Ben Gastel to Monica Smith-Ashford, Hearing Officer (September 27, 2012).

**February 2013**

**Hearing on the Merits**

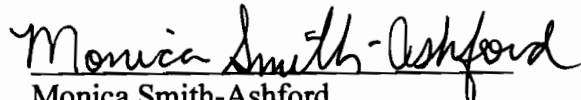
**TBD after the Hearing**

**Post Hearing Briefs**

All filings are required to be submitted to the Authority no later than **2:00 p.m.** on the date they are due. Requests for extensions of time shall be made by written motion and shall state the grounds for the request.

**IT IS THEREFORE ORDERED THAT:**

1. The *Motion for Extension Of Time To File Discovery Requests By Gary Haiser Et Al. to Laurel Hills* is hereby granted.
2. Gary Haiser *et al.* 's *Motion for Continuance of Hearing Date and Revised Scheduling Order* is granted, in part.
3. The revised procedural schedule for this matter is established, as set forth herein.

  
Monica Smith-Ashford  
Hearing Officer