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

November 2, 2012

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

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

Via Hand Delivery

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 Responses of Laurel Hills Condominiums Property Owners Association to Second and Third Discovery Request of the Customer Intervenors to Laurel Hills Condominiums Property Owners Association and an original and five copies of Laurel Hills Condominiums Property Owners Association Motion to Compel in the above styled case along with this cover letter. I would request that this Motion be heard on Wednesday, November 7, 2012 at the Status Conference.

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

If you have any questions, please feel free to contact 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**

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DOCKET NO. 12-00030

**LAUREL HILLS CONDOMINIUMS PROPERTY OWNERS ASSOCIATION
MOTION TO COMPEL**

Pursuant to Tenn. R. Civ. P. 26, 33, 34 and 37, and Tenn. Comp. R. R. §§ 1220-1-2.06 and 11, Laurel Hills Condominiums property Owners Association (“Laurel Hills”) files this Motion to Compel seeking supplementation of the Customer Intervenors responses to Laurel Hills’ First Discovery Request. On October 15, 2012, Laurel Hills served their First Discovery Request to the Customer Intervenors (the “Requests”).

This Motion to Compel relates to the following two requests and responses reproduced below:

1. For each Customer Intervenor, other than Cumberland Point, identify the Customer Intervenor’s: full legal name, social security number, street address for service, billing address if different from service address, phone number for service and phone number for billing, whether the Customer Intervenor owns or rents the service address, and the number of weeks per year, on average, the Customer Intervenor occupies the service address.

Response: The Customer Intervenors object to the publishing of individual Social Security numbers and delineating the average amount of time each residence is occupied. This information is irrelevant and not reasonably calculated to lead to admissible evidence. Social Security numbers are protected and confidential. All Customer Intervenors pay the full flat monthly rate for water service regardless of occupancy status. Subject to the objections listed, the remaining information requested is attached as Exhibit 1.

2. For Cumberland Point identify: the name and billing address for every unit where Cumberland Point sends its request for membership dues, the name and unit number for any full time residents, and for all other units not occupied on a full time basis, the average number of weeks per year each unit is occupied.

Response: The Customer Intervenors object to this request as over burdensome and irrelevant to the proceedings. The Cumberland Point Condominium Association (CPCA), as admitted by Laurel Hills many times, acts as a single customer with respect to water service and billing by paying a flat monthly amount for water service. How, when and from whom the CPCA collects the individual amounts for water service is an internal matter reserved for the CPCA and is not relevant to these proceedings.

As can be seen from the above, shockingly, the Customer Intervenors principally object to providing full, substantive responses to these requests on the grounds that they seek irrelevant information. These requests seek basic information regarding the Laurel Hills' customers and is information collected by virtually every single water service provider in the state. These requests are only aimed at providing information to allow Laurel Hills to identify its customers, facts clearly relevant to the operation and management of the system. To the extent that the Customer Intervenors are concerned about providing Social Security Numbers, the parties can obviously enter into an appropriate protective order to ensure the privacy of this information is protected.

With regard to the Customer Intervenor's objection to providing the number of weeks per year a unit is occupied, this information is clearly relevant to the determination of a reasonable reconnection fee to be charged by Laurel Hills. Laurel Hills has maintained that the unique nature of its customer base, namely that many of its customers only occupy units for a limited time per year, requires it to charge a higher than usual reconnection fee to prevent customers from only obtaining service for the limited time those residences are occupied. In other words, the requirement that Laurel Hills charges a "reasonable" reconnection fee, as that term is used in

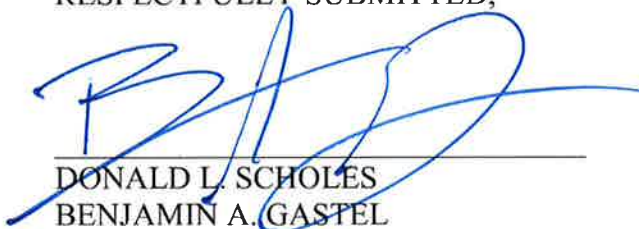
Tenn. R. R. § 1220-4-3-.21. The Customer Intervenor's objections to the contrary should be overruled and the TRA should require a full and complete response to the above-identified requests.

Additionally, the time each customer occupies a respective unit is relevant to whether a rate should or can be set based on usage. To the extent that the TRA is considering setting a rate based on usage, as opposed to a flat monthly rate, this information is critical to crafting a usage rate.

Finally, with regard to the refusal to provide information on Cumberland Point residence, these residence are the ultimate users of Laurel Hills' services and Laurel Hills, for the reasons identified above, should have the ability to know their customer base and also know the number of weeks those units are occupied. This information will help the TRA set a reasonable, and appropriate reconnection charge.

DATED: November 02, 2012

RESPECTFULLY SUBMITTED,

A large, stylized handwritten signature in blue ink, likely belonging to Benjamin A. Gastel, is written over a horizontal line.

DONALD L. SCHOLLES
BENJAMIN A. GASTEL

Branstetter, Stranch & Jennings, PLLC
227 Second Avenue North
Fourth Floor
Nashville, TN 37201-1631

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing Motion was served upon the following via United States and Electronic Mail:

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, 2nd Floor
Nashville, TN 37243-0500

Melanie Davis
Kizer & Black Attorneys, PLLC
329 Cates St.
Maryville, TN 37801

This the 2nd day of November, 2012



Benjamin A. Gastel