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

November 8, 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 Supplemental Response of Laurel Hills Condominiums Property Owners Association to First Discovery Request of the Customer Intervenor to Laurel Hills Condominiums Property Owners Association 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**

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DOCKET NO. 12-00030

**SUPPLEMENTAL RESPONSE OF LAUREL HILLS CONDOMINIUMS PROPERTY
OWNERS ASSOCIATION TO FIRST DISCOVERY REQUEST OF THE CUSTOMER
INTERVENORS TO LAUREL HILLS CONDOMINIUMS PROPERTY
OWNERS ASSOCIATION**

The following are the Supplemental Responses of Laurel Hills Condominiums Property Owner's Association ("Laurel Hills") to the First Discovery Request of the Customer Interveners, Gary Hauser, *et al.*, (the "Customer Interveners" or "Customers") served on Thursday September 20, 2012. At a Status Conference Hearing on November 7, 2012, Laurel Hills learned it had inadvertently failed to include certain responsive documents to Requests 24 and 25, reproduced below. To correct this error, responsive documents are attached.

24. Given the requirement to maintain a customer complaint log and given that the email address laurelhillscondoass@gmail.com is the only published method of contact for the water system, provide copies of all emails received from customers and Laurel Hills corresponding response for 2011 and 2012 that reference questions or complaints.

RESPONSE: Laurel Hills objects to this request to the extent that Laurel Hills is under a duty to maintain a customer complaint log. Subject to this objection and without any unintended

admission, Laurel Hills states that customer complaints sent to the identified email address that were located through a reasonable search are attached.

25. Given the requirement to maintain a customer complaint log, provide a copy of all written correspondence received from customers in 2011 and 2012 that denote questions, complaints or concerns about the water service.

RESPONSE: Laurel Hills objects to this request to the extent that Laurel Hills is under a duty to maintain a customer complaint log. Subject to this objection and without any unintended admission, Laurel Hills states that written customer complaints identified through a reasonable search are attached.

DATED: November 8, 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 8th day of November, 2012.


Benjamin A. Gastel
Attorney For Petitioner

**RESPONSE
TO FIRST
DISCOVERY
REQUEST
NO. 24**



Michael McClung <laurelhillscondoass@gmail.com>

Water bill

1 message

gmaners@mediacombb.net <gmaners@mediacombb.net>

Sun, Jul 17, 2011 at 8:23 AM

To: laurelhillscondoass@gmail.com

I am writing about the water bill increase. I am only there a couple of weeks out of the year and I felt that paying for water that was never used was a wast anyway. But going from \$25 a month to \$86.40 a month is one big hike. I will have to be looking into a well unless and other arrangement's can be made.

Thank you Emmett Maners



Michael McClung <laurelhillscondoass@gmail.com>

Water Service

1 message

Mike Henman <mbhenman@yahoo.com>

Thu, Nov 3, 2011 at 6:57 PM

Reply-To: Mike Henman <mbhenman@yahoo.com>

To: "laurelhillscondoass@gmail.com" <laurelhillscondoass@gmail.com>

I have no idea who or what your assoc. is. When I heard about the rates being raised by such a ridiculous amount, I installed my own water system and am not going to pay such an amount, to whoever you are, when the average water bill in this district for a family of four is about \$30.00. I am only here less than half time and am NOT going to pay your b
billed amount. Forget it. This is total BS
Mike Henman

**Michael McClung** <laurelhillscondoass@gmail.com>

Fw: New Water Bills

3 messages

dsandlin@comcast.net <dsandlin@comcast.net>
To: laurelhillscondoass@gmail.com

Mon, Jul 4, 2011 at 6:14 PM

----- Original Message -----

From: dsandlin@comcast.net
To: laurelhillscondoas@gmail.com
Sent: Monday, July 04, 2011 5:06 PM
Subject: Fw: New Water Bills

----- Original Message -----

From: dsandlin@comcast.net
To: laurelhillscondoas@gmail.com
Sent: Monday, July 04, 2011 5:01 PM
Subject: New Water Bills

Received my water bill today and was shocked at the price increase. Have not been to my unit { 5005...below the water tower} in over two years and have not used one drop of water but have paid my \$25 per month religiously. Now, according to the statement I received with the \$86 invoice, I'm supposed to pay for the deadbeats who have not paid anything.. Should you not just cut off their water ? Please respond as I have serious issues with the way the Laurel Hills Condo Staff has handled this matter. Thanks.

Mike McClung <laurelhillscondoass@gmail.com>
To: "<dsandlin@comcast.net>" <dsandlin@comcast.net>

Tue, Jul 5, 2011 at 12:37 PM

Sorry for the sticker shock, the POA has taken over the water system. Less users and higher required maintenance of repairs cause this increase. Early in 2012 an audited statement will be available for any adjustments. Those users not paying will have their service disconnected.

[Quoted text hidden]

Michael McClung <laurelhillscondoass@gmail.com>
To: renegadelaura@yahoo.com

Wed, Jul 6, 2011 at 2:15 PM

Again this is for your files, as you know Mike has already spoke with him.
d

[Quoted text hidden]

**RESPONSE
TO FIRST
DISCOVERY
REQUEST
NO. 25**

Steve Burman
2201 Spence Pl
Knoxville, Tennessee 37920

December 16, 2011

To whom it may concern,

I received notification of a fee for water usage from our residence at Renegade Resort. We have had the water turned off at the house and the house has been "winterized" since the summer of 2010. No water had been used since the summer of 2010. Through conversations with my sister, I understand your wishes and needs to up-grade the system. But since we visit so infrequently, and when we do we bring our own water for drinking, cooking and waste, I feel the fee is excessive. If we were permanent, full-time residents, I would be happy to pay this fee, but since we only visit occasionally, paying the same amount as a full-time resident is not equitable. As my sister explained to me that we would be paying for the "convenience" of having water. The electric company charges us a monthly fee to keep the electricity available when we are not there and bills us for additional usage when we visit. I know you do not have a way of "monitoring" usage like the electric company, but I feel that this is a fair practice. I will pay the same amount for the convince to have water as I do for the convince of have electricity. When I pay the monthly electric bill, I will pay the same amount to you for the water. Enclosed you will find a check for the month of December, for the same amount owed to the electric company.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Burman". The signature is fluid and stylized, with a large initial "S" and a long, sweeping underline.

Steve Burman

1/8/11

To Laurel Hill POA:

I have enclosed a "copy" of the check I am sending directly to Crab Orchard Utility in payment for water. I have asked that it be credited to the water account for Laurel hill POA.

In response to your memo where you advised if payment is not made in full by January 31, 2011 (typo on your part) the water service will be discontinued unless Crab Orchard Utility District elects to terminate the water service sooner. I had a recent conversation with Crab Orchard Utility. There has been NO discussion of them discontinuing service to Renegade Mountain.

I want to make sure my money is being used exactly for what it is designated.

Karen Matchak

John Moore
848 Livingston Rd.
Suite 101, #62PMB
Crossville, TN 38555

February 1, 2012

Laurel Hills Condominiums POA Water System
PO Box 288
Crab Orchard, TN 37723

Dear Sir:

I have paid the agreed upon water rate of \$43.20, as negotiated in July 2011 through your agent Daryl McQueen, for all months requested from June 2011 through and including January 2012. In January 2012 you attempted to have Crab Orchard Utility District voluntarily terminate water service to us, your customers. On January 21, 2012 you effectively abandoned our water system by disconnecting the power to the central pumps.

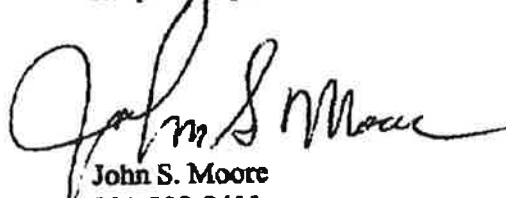
You initially reported to the Tennessee Regulatory Authority (TRA), citing an exception (T.C.A. 65-4-101-(B)(i)) where you claimed that your HOA members were limited to owners of lots in a residential subdivision, and that you provided water for the exclusive use of that subdivision, when approximately 119 of your 120 customers are not members of the Laurel Hills Condominium Property Owners Association.

You've shut down and abandoned our water system, its customers and your contractual agreements without giving the customers the proper sixty (60) day notice as required by the Federal Drinking Water Act and T.C.A. 68-221-711(9), Prohibited Acts.

In lieu of these stated violations, the many unscrupulous acts you've committed upon your customers, and the fact that I and other customers are now personally paying for most of the costs associated with the operating the Laurel Hills water system since it was abandoned, I am withholding any further water payments from Laurel Hills Condominiums POA until you are again providing water and paying the associated costs of the system.

It is my sole intention to assist you in resolving this matter as quickly as possible and to pay a fair rate for quality water delivered to my home, however until this occurs I will be personally escrowing my water payments. Please contact me as soon as you receive this correspondence so that we may jointly start working to resolve this dilemma.

Respectfully,



John S. Moore
931-200-2411

Cumberland Point Condominium Association
P. O. Box 3667
Crossville, TN 38557

July 15, 2011

Homeowners:

The Board has been notified by the Laurel Hills Condominiums POA that our water bills have been increased to \$86.40 per condo starting in June 2011. We had been paying \$20.00 per condo. The Invoice which is dated 7/1/2011 states we have 60 days to pay, if not the water will be cut off. The reconnections fee of \$500.00 will be enforced.

We have contacted our legal counsel and he has advised us there is no legal avenue for us. We will have to pay the fees charged. Since then, we have been in contact with one of the owners of the water utility, and have negotiated a fifty per cent reduction in the rate for six months (\$43.20).

The Board has voted to increase the monthly fees (\$23.20 per month) starting with June to cover the increase for June and July. The new monthly **Association Fees are \$183.20**. We will in turn pay the discounted invoice.

The Board is also investigating a well with a holding tank to replace the water utility. We are in the beginning stages and will advise everyone of our decision.

Regards,

Cumberland Point Board of Directors:

Mary Ann Dorris

Wayne Holloway

Paul Laneback

Ron Hill

Billy Satty

Cumberland Point Condominium Owners Association
P O Box 3667
Crossville, Tennessee 38557

January 17, 2012

To: Condo Owners

From: Board of Directors

Re: Water Problem

The Board would like to advise you we are working on resolving our water issue with Laurel Hills Condominiums Property Owners Association. They have put on notice that if we don't pay them \$86.40 per homeowner then they will shut off our water as of January 31, 2012. As of June of 2011 we have been paying them ½ of that amount or \$43.20 per homeowner.

In the meantime, we are working on an alternate plan to provide drinking water for our complex and will let you know the results. If it works, we will not need water from Laurel Hills Condominiums Property Owners Association. As soon as our plan is resolved, we will advise all homeowners. It is projected there will be water every day at Cumberland Point!

We thank you for your patience and support on this matter.

Cumberland Point Condominium Association
P.O. Box 3667
Crossville, TN 38557

FIRST NATIONAL BANK of Tennessee
Crossville, TN 38555
87-123/641

6453

PAY **** THREE THOUSAND SIX HUNDRED TWENTY EIGHT & 80/100 DOLLARS

DATE

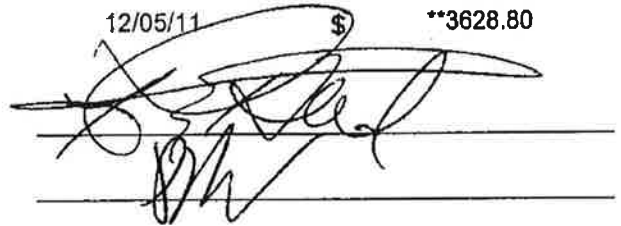
AMOUNT

TO THE
ORDER OF

12/05/11

\$ **3628.80

Laurel Hills POA Water
P.O. Box 25
Crossville, TN 38557



⑈0006453⑈ ⑆064101233⑆ ⑆5141221⑈

Cumberland Point Condominium Association
P.O. Box 3667
Crossville, TN 38557

FIRST NATIONAL BANK of Tennessee
Crossville, TN 38555
87-123/641

6454

PAY **** THREE THOUSAND SIX HUNDRED TWENTY EIGHT & 80/100 DOLLARS

DATE

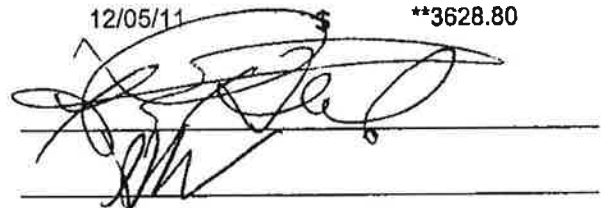
AMOUNT

TO THE
ORDER OF

12/05/11

\$ **3628.80

Laurel Hills POA Water
P.O. Box 25
Crossville, TN 38557



⑈0006454⑈ ⑆064101233⑆ ⑆5141221⑈

FORSE HERE:
dorsement and, or deposit of this
eck acknowledges payment in full of
ember 2011 water fee due to Laurel
Hills POA Water

ENDORSE HERE:
Endorsement and, or deposit of this
check acknowledges payment in full of
December 2011 water fee due to Laurel
Hills POA Water

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
* RESERVED FOR FINANCIAL INSTITUTION USE *

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
* RESERVED FOR FINANCIAL INSTITUTION USE *

2 The security features listed below, as well as those
not listed, exceed industry guidelines.

Security Features:

Results of document alteration

- Alerts handler the document contains security features
 - Stains or spots appear with chemical alteration
 - Colored marks appear when chemically altered or erased
 - Absence of "Original Document" markings on back of check
 - Small type in check border and back signature lines, readable with a magnifying lens, appears as dots if copied or scanned
 - Artificial watermark not visible on back of check when held at 45° angle
 - Visible under ultraviolet light. Cannot be photocopied or scanned
 - The face of this document contains a colored check background
- The word "VOID" appears on copies created by copiers or scanners.

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