

**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**

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**PETITIONER'S THIRD MOTION IN LIMINE**

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Petitioner files this second motion in limine seeking to limit the use of certain exhibits identified by the customer Intervenors. On February 4, 2013, the Customer Intervenors identified certain exhibits it intended to use at the hearing scheduled for February 13, 2013 (a copy of this is attached as Exhibit A.). This exhibit lists identifies numerous documents that were not previously produced as part of the Customer Intervenor's direct testimony. Accordingly, these exhibits should be limited for the sole use, if at all, to rebut testimony or evidence otherwise presented at the hearing. Such exhibits include all documents identified under the "Other documents not of public record" tab in Exhibit A.

**DATED:** February 5, 2013

RESPECTFULLY SUBMITTED,



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DONALD L. SCHOLES  
BENJAMIN A. GASTEL

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

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing was served upon  
the following via United States 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, 2<sup>nd</sup> Floor  
Nashville, TN 37243-0500

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

This the 5th day of February, 2013

  
Benjamin A. Gastel

Ex. A - Petitioner's Third Motion  
to Compel

KIZER & BLACK, ATTORNEYS, PLLC

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MATTHEW C. HARALSON  
G. KEITH ALLEY  
P. ANDREW SNEED  
KELLY LOVE MANNING\*  
SARAH SWANSON HIGGINS\*  
ANDREW S. TRUNDLE\*\*

February 4, 2013

**VIA EMAIL and FIRST CLASS MAIL**

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S. Roger York  
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456 N. Main Street  
Crossville, Tennessee 38555

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

Exchange of Exhibits

Dear Mssrs. Bozarth, Gastel and York:

As agreed during the Pre-Hearing Conference on January 29, 2013 the Customer Interveners submit the exhibits and visuals it may use at the February 13, 2013 hearing. The Customer Interveners incorporate any documents that may be identified by any other party for use at the hearing.

The Customer Interveners are willing to work with the parties in an effort to resolve any objections to these exhibits or to resolve any other evidentiary issues. Copies of all of these documents are available upon request or have already been provided to the parties.

Finally, the Customer Interveners reserve the right to supplement or amend this list.

**1. Public documents filed in TRA Docket 12-00030 and 12-00077:**

The Customer Interveners reserve the right to utilize all documents associated with Laurel Hills Condominium Property Owners Association and filed as part of TRA Docket 12-00030 and 12-00077 now and in the future.

**2. Office of the Attorney General:**

The Customer Interveners incorporate by reference any and all documents listed in the Office of the Attorney General's letter, dated January 31, 2013 and titled Exchange of Exhibits.

**3. Other documents not of public record:**

A. Sworn affidavit of Michael McClung in Cumberland County Chancery Court Case 2012-CH-513 and dated February 10, 2012 with attachments.

B. Sworn affidavit of John Moore in Cumberland County Chancery Court Case 2012-CH-513 and dated February 14, 2012 with attachments.

C. Sworn affidavit of Jo Ann Perry in Cumberland County Chancery Court Case 2012-CH-513 and dated February 13, 2012 with attachments.

D. Sworn affidavit of Darrell McQueen in Cumberland County Chancery Court Case 2012-CH-513 and dated February 13, 2012 with attachments.

E. Complaint of Gary Haiser, Et al vs. Michael McClung, Joseph Wucher, Michael Haines, Phillip Guettler and Moy Toy, LLC styled as Cumberland County Chancery Court Case 2011-CH-508.

F. Tennessee Regulatory Authority vs. Laurel Hills Condominium Property Owners Association Petition for Injunctive Relief styled as Cumberland County Chancery Court Case 2012-CH-560.

G. Sworn Deposition of Everett L. Bolin Jr., Manager of Crab Orchard Utility District, dated November 1, 2012 with Exhibits.

H. Amended Complaint of Gary Haiser, Et al vs. Laurel Hills Condominium Property Owners Association, Michael McClung and Phillip Guettler styled as Cumberland County Chancery Court Case 2011-CH-513.

I. Tennessee Secretary of State's Office record file on Renegade Resources, LLC: Articles of Organization dated January 20, 2011 and 2011 Annual Report dated March 15, 2012.

J. Tennessee Secretary of State's Office record file on Renegade Mountain Timeshares, LLC: Articles of Organization dated September 22, 2010, 2010 Annual Report dated March 9, 2011 and 2011 Annual Report dated March 15, 2012.

K. Tennessee Secretary of State's Office record file on Moy Toy, LLC: Articles of Organization dated August 24, 2010, 2010 Annual Report dated March 14, 2011, 2011 Annual Report dated March 19, 2012 and Annual Report dated January 17, 2013.

L. Map of Renegade Mountain Water System, undated.

M. Laurel Hills Customer Contract for Water Service, undated

N. Document resulting from July 3, 2011 meeting between Darrell McQueen and the Cumberland Point Condominium Association.

O. Office of the Attorney General's letter to Donald Scholes, counsel for Laurel Hills Condominium Property Owners Association, dated May 11, 2012 and titled Petition of Laurel Hills Condominiums Property Owners' Association for a Certificate of Public Conveyance and Necessity – TRA Docket No. 12-00030.

Please let me know if you have any questions.

With kindest regards, I remain

Very truly yours,



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