

**IN THE TENNESSEE REGULATORY AUTHORITY
AT NASHVILLE, TENNESSEE**

IN RE:)	
PETITION OF LAUREL HILLS)	
CONDOMINIUMS PROPERTY OWNERS)	DOCKET NO. 12-00030
ASSOCIATION FOR A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND)	
NECESSITY)	

**CONSUMER ADVOCATE'S RESPONSE TO LAUREL HILLS'
SECOND MOTION IN LIMINE**

Robert E. Cooper, Jr., Attorney General and Reporter for the State of Tennessee, by and through the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate"), respectfully responds to Petitioner's Second Motion in Limine. In that Motion, Petitioner seeks to exclude certain direct testimony by Mr. Moore that purportedly violates Tenn. R. of Evid. 1002-1004, also known as the "Best Evidence Rule", and which purportedly constitutes hearsay.

The subject testimony involves various ownership issues related to the Laurel Hills water system. One of the salient issues in this case is whether the purported transfers of the water system and the related \$400,000 note were arms' length transactions between the myriad of related entities involved. Mr. Moore's testimony is relevant and may assist the TRA in its determination of the facts surrounding that issue and its impact on Laurel Hills' rate base and ratepayers.

Therefore, the Consumer Advocate requests that the relief sought by Petitioner be denied.

1. Petitioner Laurel Hills seeks to exclude certain direct testimony Mr. Moore has tendered because it is hearsay and unsupported by documentary evidence.

2. Petitioner cites to Tenn. R. of Evid. 1002-1004 and 801(c) and 802 in support of its request.
3. The *T.R.A.'s Rules of Practice and Procedure* 1220-1-2-.16 state that "the admissibility of evidence is governed by T.C.A. §§ 65-2-109 and 4-5-313."
4. T.C.A. § 65-2-109(1), specifically holds that "the authority shall not be bound by the rules of evidence applicable in court, but it may admit and give probative effect to any evidence which possess such probative value as would entitle it to be accepted by reasonably prudent persons in the conduct of their affairs."
5. It is clear that the TRA's Directors and Staff should be afforded the opportunity to weigh all the evidence and determine its probative value without the constraints associated with typical litigation.
6. Therefore, Tenn. R. of Evid. 1002-1004 and 801(c) and 802 are not valid bases to exclude Mr. Moore's testimony. If Petitioner maintains that Mr. Moore's testimony lacks the proper foundation then Petitioner may establish that though cross examination.

WHEREFORE, the Consumer Advocate respectfully requests that Petitioner's Second Motion in Limine be denied.

RESPECTFULLY SUBMITTED,



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Dated: February 7, 2013

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:

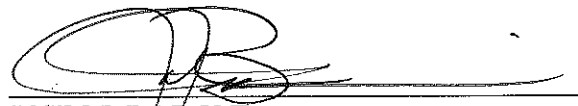
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This the 7th day of February, 2013.



JOHN J. BARONI