

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

February 13, 2013

IN RE:

**PETITION OF NAVITAS TN NG, LLC FOR A
GENERAL RATE INCREASE**

)
)
)
)

**DOCKET NO.
12-00068**

ORDER DISMISSING CONSUMER ADVOCATE’S MOTION TO STRIKE AS MOOT

This matter came before the Hearing Officer upon the *Consumer Advocate’s Motion to Strike Amended Rebuttal Testimony of Thomas Hartline (“Motion to Strike”)* filed with the Tennessee Regulatory Authority (“TRA” or “Authority”) by the Consumer Advocate and Protection Division of the Office of the Attorney General (“Consumer Advocate”) on January 24, 2013, in which it sought to exclude from the record the *Amended Rebuttal Testimony of Thomas Hartline* filed by Navitas TN NG, LLC (“Navitas”) on January 22, 2013. On January 31, 2013, *Navitas TN NG, LLC’s Response to Consumer Advocate’s Motion to Strike Amended Rebuttal Testimony of Thomas Hartline (“Response “)* was filed in the docket file. In its *Response*, Navitas requested that the Consumer Advocate’s motion to strike be denied or, alternatively, limited to exclusion of the attached exhibits A & B.

On January 11, 2013, a pre-hearing conference was held in order to allow the parties to present oral arguments on the *Motion to Strike*.¹ Upon conclusion of the parties’ presentations, the Hearing Officer deferred a determination on the motion to strike pending a hearing on the

¹ Pursuant to the *Notice of Pre-Hearing Conference*, issued February 7, 2013, the following parties appeared: **for Navitas, Klint W. Alexander, Esq.**, Wyatt, Tarrant & Combs, LLP, 2525 West End Avenue, Suite 1500, Nashville Tennessee 37203; and, **for the Consumer Advocate, John J. Baroni, Esq.**, Office of the Attorney General, Consumer Advocate and Protection Division, 425 5th Ave. N, John Sevier Building, P.O. Box 20207, Nashville, TN 37243.

merits. On February 13, 2013, the panel reconvened the hearing and considered the *Stipulation and Settlement Agreement* and *Amendment* thereto, filed by the parties on December 17, 2012 and January 7, 2013, respectively, which it had previously deferred on January 7, 2013. With certain modifications, the voting panel of Directors unanimously approved the settlement, as amended.² Following the panel's approval, Navitas and the Consumer Advocate each stated its agreement with the modifications made to their proposed amended settlement.

In light of the amicable resolution of the proceedings in lieu of the presentation of witness testimony on the merits of the *Petition*, the Hearing Officer finds that, as the controversy is now moot, a determination on the motion is unnecessary. Therefore, the *Consumer Advocate's Motion to Strike Amended Rebuttal Testimony of Thomas Hartline* is hereby dismissed.

IT IS SO ORDERED.


Kelly Cashman Grams, Hearing Officer

² On February 12, 2013, Chairman James M. Allison pre-filed a motion detailing the settlement terms, and modifications thereto, that he proposed for approval by the panel. This motion was read verbatim into the record during the hearing and approved without variation by the panel.