

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

IN RE:)	
)	
PETITION OF BERRY'S CHAPEL)	
UTILITY, INC. TO INCREASE RATES)	
AND CHARGES; TARIFF TO RECOVER)	
THE COST OF FINANCIAL SECURITY)	DOCKET NO. 14-00004
IMPLEMENTATION OF PASS)	
THROUGHS FOR SLUDGE REMOVAL,)	
ELECTRICITY, CHEMICALS AND)	
PURCHASED WATER)	

**OBJECTION TO CONSUMER ADVOCATE'S MOTION TO FILE
SUPPLEMENTAL TESTIMONY AND EXHIBIT**

The Consumer Advocate's testimony in this proceeding was due and filed on May 30, 2014. Without explanation, the Advocate seeks to file additional testimony consisting primarily of a detailed "Exhibit WNH-5" which was not included in the original filing. The exhibit appears to be a list of various expenses testified to as reasonable by the Consumer Advocate and adopted by the Authority in the Company's 2011 rate case and a list of those same expenses as projected by the Company in this rate case.

Accompanying the late-filed testimony, the Advocate filed a "Motion to Amend Testimony of William H. Novak." The Motion, however, does not offer any reason to explain or justify the late filing. Indeed, there is no information in the new exhibit which was not available to the Advocate at the time the original testimony was filed.

The supplemental testimony and exhibit are untimely, in violation of the Hearing Officer's procedural schedule. The Company objects to the filing, which is prejudicial on its face. In the absence of any reason given by the Advocate to grant the Motion, the Advocate cannot carry its burden of proof, and the Motion must be denied.

Respectfully submitted,

BRADLEY ARANT BOULT CUMMINGS LLP

By: 

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of June, 2014, a copy of the foregoing document was served on the parties of record, via hand-delivery, overnight delivery or U.S. Mail, postage prepaid, addressed as follows:

Mr. Vance L. Broemel
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HENRY WALKER