

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

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

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**CONSUMER ADVOCATE'S RESPONSE IN OPPOSITION  
TO BERRY'S CHAPEL'S REQUEST FOR  
FIVE-DAY EXTENSION TO FILE REBUTTAL**

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Berry's Chapel Utility, Inc. (the "Utility") has requested an extension of five days, from June 19, 2014 to June 24, 2014, to file its rebuttal testimony in this Docket. The Utility states in its request that this "one-week delay should have no impact on the other procedural dates set by the Hearing Officer." As its reasons for the extension, the Utility states that the parties in this Docket are engaged in settlement negotiations and that the Utility's counsel will be out of town from June 15, 2014 until June 19, 2014. For the reasons set forth below, the Consumer Advocate opposes the requested extension.

The extension requested by the Utility would require, under the Order Granting Joint Motion to Revise Procedural Schedule and Establishing 2<sup>nd</sup> Revised Procedural Schedule (the "Procedural Order"), that the Consumer Advocate file any

pre-hearing motions in this Docket on the day before the Consumer Advocate would receive the Utility's rebuttal testimony, thus denying the Consumer Advocate the opportunity to review and analyze the Utility's rebuttal testimony before filing such motions. Further, the Procedural Order requires that the party's responses to pre-hearing motions be filed on June 24, 2014 – the same day on which the Utility proposes to file its rebuttal testimony. The grant of the Utility's requested extension would prejudice the Consumer Advocate's ability to file meaningful motions prior to the pre-hearing conference and, further, prejudice the Consumer Advocate's ability to respond to any motions filed by the Utility in accordance with the Procedural Schedule.

At this point, the Consumer Advocate is uncertain as to the number of witnesses who will file rebuttal testimony on behalf of the Utility, the content and substance of any such testimony, the extent to which pre-hearing motions will be needed or may be helpful in resolving issues arising out of or related to the testimony, and the extent to which other matters may need to be addressed in the pre-hearing conference. The Consumer Advocate is unable to advise at this point as to whether there are pending issues, whether arising from rebuttal testimony or otherwise, which will need to be addressed prior to the target hearing date.

With respect to the settlement negotiations in which the parties are engaged, there is no assurance that the Tennessee Regulatory Authority (the "Authority" or "TRA") would accept any settlement agreement filed and presented by the parties, or even, as a threshold matter, that the parties will be able to reach an agreement

on the issues presented in the Docket by a date that would enable them to present any such settlement agreement to the Authority on a timely basis.

The Consumer Advocate is sympathetic to the travel schedule of counsel for the Utility, but does not believe that the burden on counsel of such schedule outweighs the significant prejudice to the Consumer Advocate's representation of the relevant Tennessee consumers, as described above, if the Utility's request for a five day extension to file its rebuttal testimony were granted.

Accordingly, the Consumer Advocate respectfully requests that the Utility's request for a five day extension to file its rebuttal testimony be denied. While requesting the denial of the Utility's request, the Consumer Advocate notes its willingness, upon a change in the target hearing date or with other appropriate modification to the Procedural Schedule, to work with the Hearing Officer and Utility's counsel to establish a revised procedural schedule that would address the concerns raised herein in a mutually acceptable manner.

RESPECTFULLY SUBMITTED,



VANCE L. BROEMEL (BPR #11421)

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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:

Henry Walker  
Bradley Arant Boult Cummings, LLP  
1600 Division Street, Suite 700  
Nashville, TN 37203

This the 17<sup>th</sup> day of June, 2014.

Vance L. Broemel  
VANCE L. BROEMEL