

June 18, 2014

PETITION OF BERRY'S CHAPEL UTILITY, INC. TO INCREASE RATES AND CHARGES; TARIFF TO RECOVER THE COST OF FINANCIAL SECURITY; IMPLEMENTATION OF PASS THROUGHS FOR SLUDGE REMOVAL, ELECTRICITY, CHEMICALS AND PURCHASED WATER

DOCKET NO.
14-00004

ORDER GRANTING EXTENSION OF TIME AND ESTABLISHING 3RD REVISED PROCEDURAL SCHEDULE

This matter is before the Hearing Officer of the Tennessee Regulatory Authority (“Authority” or “TRA”) upon the *Request for Five-Day Extension to File Rebuttal (Motion for Extension of Time)* filed by Berry’s Chapel Utility, Inc. (“Berry’s Chapel”) on June 13, 2014. In its *Motion for Extension of Time*, Berry’s Chapel states that ongoing settlement negotiations between the parties and the unavailability of counsel for Berry’s Chapel, who is out of town until June 19, 2014, prompts its request that it be allowed until June 24, 2014 to file rebuttal testimony. Further, Berry’s Chapel asserts that although pre-hearing motions are to be filed on June 23, 2014 and a pre-hearing conference is scheduled on June 26, 2014, its request for a five-day extension of time “should have no impact on the other procedural dates set by the Hearing Officer,” and that it is not aware of any pending issues to be addressed before the July 7th hearing.

On June 17, 2014, the *Consumer Advocate's Response in Opposition to Berry's Chapel's Request for Five-Day Extension to File Rebuttal* ("Response Opposing Extension of Time") was

filed in the docket file. In its *Response Opposing Extension of Time*, the Consumer Advocate and Protection Division of the Office of the Tennessee Attorney General (“Consumer Advocate”) states that extending the filing date for rebuttal testimony to June 24, 2014, eliminates, and thereby prejudices, the Consumer Advocate’s ability to file and/or respond to any pre-hearing motions provided in the 2nd Revised Procedural Schedule. In addition, until such time as it is able to review any rebuttal testimony that is filed by Berry’s Chapel, it is not able to determine whether there will be issues to be addressed before the hearing. Finally, the Consumer Advocate asserts that neither the possibility of a settlement, nor the travel schedule of counsel is sufficient to outweigh the resulting prejudice to the Consumer Advocate in the event that the extension is granted.

Upon due consideration, the Hearing Officer finds that the *Motion for Extension of Time* negatively impacts the deadlines set forth in the 2nd Revised Procedural Schedule as such extension would impinge both upon the ability of the Consumer Advocate to file and/or respond to pre-hearing motions and upon the Hearing Officer to ready this matter for a hearing on July 7, 2014. Nevertheless, with the agreement of Berry’s Chapel and upon the request of the parties, the deadline for resolving this matter was extended to August 16, 2014.¹ And further, because the Authority’s Conference, and so also the Hearing in this matter, has been rescheduled to July 22, 2014, there is room in the schedule to move the remaining deadlines. Therefore, in light of the foregoing, the Hearing Officer finds that Berry's Chapel's request to file rebuttal on July 24, 2014, should be granted, and revises the remaining deadlines in the procedural schedule as follows:

¹ *Joint Motion to Revise Procedural Schedule* (April 1, 2014); and see *Order Establishing Revised Procedural Schedule* (April 2, 2014).

3RD REVISED PROCEDURAL SCHEDULE

Docket No. 14-00004

June 18, 2014

Due Date	Filing Deadline
June 24, 2014	Utility Pre-Filed Rebuttal Testimony*
July 1, 2014	Pre-Hearing Motions**
July 8, 2014	Responses to Pre-Hearing Motions**
July 10, 2014 1:30 p.m. (CDT)	Pre-Hearing Conference (Andrew Jackson Bldg., 4 th Floor Exec. Conference Rm.)
July 22, 2014 9:00 a.m. (CDT)	Panel Hearing on the Merits (Andrew Jackson Bldg., Ground Floor Hearing Rm. G.201)

Except where otherwise indicated:

* General Filings & Testimony must be filed by 4:00 p.m. (Central) on the due date.

** Motions & Responses to Motions must be filed by 2:00 p.m. (Central) on the due date.

BE IT HEREBY ORDERED.


Kelly Cashman-Grams, Hearing Officer