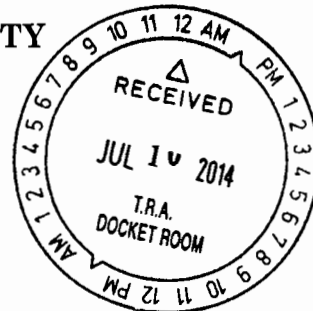


IN THE TENNESSEE REGULATORY AUTHORITY  
AT NASHVILLE, TENNESSEE



IN RE:

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

**MOTION TO LIMIT INTERVENTION OF CONSUMER ADVOCATE**

Pursuant to T.C.A. § 4-5-310(c), Berry's Chapel Utility, Inc., d/b/a Harpeth Wastewater Cooperative ("Petitioner") asks the Hearing Officer to "impose conditions upon the . . . participation in the proceeding" of the Consumer Advocate Division in light of developments which have occurred since the Hearing Officer originally granted the Advocate's petition to intervene.

By statute, the Consumer Advocate represents "the interests of Tennessee consumers of public utilities service." T.C.A. § 65-4-118(b). In this case, those consumers are now in control of the utility, and the Advocate's participation is no longer needed to protect their interests.

When the Consumer Advocate's petition to intervene was filed on January 23, 2014, Berry's Chapel was under the control of a three-person board of directors; John Ring, Tyler Ring, and James Ford. Although a number of customers had become members of Berry's Chapel, no membership meeting had been held and the board was self-perpetuating.

As explained in the prefiled rebuttal testimony of Mr. Mike Knotts, all of that changed on March 17, 2014 when the utility's members convened a special meeting, elected a new board of directors, and voted to operate under the principles of a cooperative. The utility is now owned and controlled by its members, all of whom are utility customers. As explained by Mr. Knotts, the new board of directors has asked that the rate increase be cut in half and that most of the additional money be kept in a separate account for capital improvements and repairs.

The Hearing Officer issued an order on February 4, 2014, granting without limitation the Consumer Advocate's Petition to Intervene. The Hearing Officer, however, "may modify the order at any time, stating the reasons for the modification." T.C.A. § 4-5-310(d). The Hearing Officer may also "impose conditions" upon an intervenor's participation "either at the time that intervention is granted or at any subsequent time."

In view of what has happened since the Hearing Officer issued her order, the Advocate's intervention is no longer necessary to protect the interests of the company's customers. Unless the Consumer Advocate has some reason to believe that the new board does not represent the members or that customers are somehow prevented from becoming members, it appears that the Advocate no longer meets the statutory requirements for intervention or that, at the least, the Advocate's intervention should be limited to asking about this change in the control of the utility.<sup>1</sup>

For these reasons, Petitioner asks that the Hearing Officer modify her order of February 4, 2014 consistent with the events which have occurred since that time. The Consumer Advocate's future participation should be limited to a determination of whether, in fact, the customers are now in charge of the company.

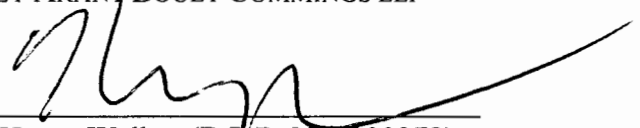
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<sup>1</sup> In his latest filing, the Advocate implicitly recognizes that his client has changed by questioning whether the new board "would represent customers who are not members." Consumer Advocate Motion filed July 1, 2014, at 7.

Respectfully submitted,

BRADLEY ARANT BOULT CUMMINGS LLP

By: \_\_\_\_\_

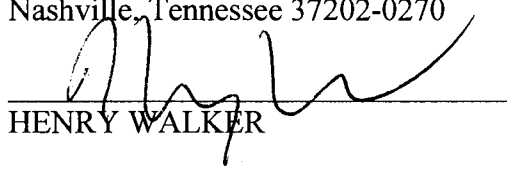


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**CERTIFICATE OF SERVICE**

I hereby certify that on the 18<sup>th</sup> day of July, 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:

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HENRY WALKER