

**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 RATES</b>	)	
<b>AND CHARGES; TARIFF TO RECOVER</b>	)	
<b>THE COST OF FINANCIAL SECURITY;</b>	)	
<b>IMPLEMENTATION OF PASS</b>	)	
<b>THROUGHS FOR SLUDGE REMOVAL,</b>	)	
<b>ELECTRICITY, CHEMICALS AND</b>	)	
<b>PURCHASED WATER</b>	)	

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**CONSUMER ADVOCATE’S MOTION FOR LEAVE TO ASK ADDITIONAL  
DISCOVERY REQUESTS**

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Comes the Consumer Advocate and Protection Division of the Office of the Attorney General (“Consumer Advocate”), and hereby requests leave to ask additional discovery requests.

The Consumer Advocate filed its initial discovery requests on February 12, 2014. Since that time the Consumer Advocate has become aware of an issue regarding the membership of Berry’s Chapel. In particular, the Consumer Advocate received a copy of a letter dated February 20, 2014, from a customer of Berry’s Chapel, Charles Kildgore, which raises questions about the role of the membership of Berry’s Chapel in authorizing or directing the filing of the petition for an increase in rates. A copy of that letter was filed in this docket on February 20, 2014. In particular, Mr. Kildgore has raised the issue of whether a proposed special meeting of the members will alter or postpone the petition for a rate increase.

According to Tennessee Secretary of State records, Berry’s Chapel is organized as a nonprofit corporation with “members”. Berry’s Chapel also has a board of directors. If the petition for the increase in rates was not properly authorized, there is a question as to the validity

and/or authority to file Berry's Chapel's petition which should be addressed as soon as possible. In addition, there is also the possibility that there will be a special meeting of the members that will result in the rate case being amended or postponed. Accordingly, the Consumer Advocate requests leave to ask additional discovery questions about the role of the members in this case, as well as about how the filing of the case was authorized by the directors or members.

The Proposed Procedural Schedule in place in this case provides for a second round of discovery on April 25, 2014. However, in order to properly develop the record regarding the role and status of the members and directors of Berry's Chapel, it is necessary that this information be obtained as soon as possible.

As can be seen from a review of the proposed questions, the questions are relatively simple and should be able to be answered quickly with a minimal review of documents or records.

A copy of the additional questions is attached as Exhibit A.

RESPECTFULLY SUBMITTED,



VANCE L. BROEMEL (BPR #11421)  
Senior Counsel  
Office of the Attorney General  
Consumer Advocate and Protection Division  
P.O. Box 20207  
Nashville, Tennessee 37202-0207  
(615) 741-8733

Dated: \_\_\_\_\_, 2014.

February 27

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 27<sup>th</sup> day of February, 2014.

Vance L. Broemel  
VANCE L. BROEMEL



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

**IN RE:**

**PETITION OF BERRY'S CHAPEL  
UTILITY, INC. TO INCREASE RATES  
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THROUGHS FOR SLUDGE REMOVAL,  
ELECTRICITY, CHEMICALS AND  
PURCHASED WATER**

**DOCKET NO. 14-00004**

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**ADDITIONAL DISCOVERY REQUESTS OF THE CONSUMER ADVOCATE TO  
BERRY'S CHAPEL UTILITY, INC.**

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To: Berry's Chapel Utility, Inc.  
c/o Henry Walker  
Bradley Arant Boult Cummings, LLP  
1600 Division Street, Suite 700  
Nashville, TN 37203

These Additional Discovery Requests are hereby served upon Berry's Chapel Utility, Inc., ("Berry's Chapel", "BCUI", or "Company"), pursuant to Rules 26, 33, 34 and 36 of the Tennessee Rules of Civil Procedure and Tenn. Comp. R. & Reg. 1220-1-2-.11. We request that full and complete responses be provided pursuant to the Tennessee Rules of Civil Procedure. The responses are to be produced at the Office of the Tennessee Attorney General and Reporter, Consumer Advocate and Protection Division, 425 Fifth Avenue North, Nashville, Tennessee 37243, c/o Vance Broemel, on or before 4:00 p.m. (CDT), March 14, 2014.

## **PRELIMINARY MATTERS AND DEFINITIONS**

These Additional Discovery Requests incorporate the same Preliminary Matters And Definitions as set forth in the *First Discovery Request of the Consumer Advocate and Protection Division to Berry's Chapel Utility, Inc.* filed February 12, 2014, and are to be considered continuing in nature, and are to be supplemented from time to time as information is received by Berry's Chapel which would make a prior response inaccurate, incomplete, or incorrect.

## **ADDITIONAL DISCOVERY REQUESTS**

1. What person or persons authorized or directed Berry's Chapel to file the petition for a rate increase in TRA Docket No. 14-00004? Please provide their name, business address and position or role with Berry's Chapel.

**RESPONSE:**

2. Please provide a list of names, addresses and such identifying information as is in the possession of Berry's Chapel of the members of Berry's Chapel and the dates they have served as members.

**RESPONSE:**

3. Did the members of Berry's Chapel authorize or direct Berry's Chapel to file the petition for a rate increase in TRA Docket No. 14-00004? If they did vote, please provide the record of that vote and all documents and other information provided to the members to review prior to the vote.

**RESPONSE:**

4. Who were the directors of Berry's Chapel and what were their residences at the time the petition for a rate increase was filed, on or about January 16, 2014, in TRA Docket No. 14-00004? Did these directors vote in favor of or give approval to the request for a rate increase? If so, please provide a record of that vote and all documents and other information provided to the members to review prior to the vote along with the residential address at the time of the vote or approval.

**RESPONSE:**

5. When and by whom were the directors elected or chosen? Please provide a record of that election or selection and all documents related to that election and selection process.

**RESPONSE:**

6. If there were any proxy votes, provide the authorizations for each such vote.

**RESPONSE:**

RESPECTFULLY SUBMITTED,



VANCE L. BROEMEL (BPR #11421)  
Senior Counsel  
Office of the Attorney General  
Consumer Advocate and Protection Division  
P.O. Box 20207  
Nashville, Tennessee 37202-0207  
(615) 741-8733

Dated: February 27<sup>th</sup> 2014.

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This the 27<sup>th</sup> day of February, 2014.

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