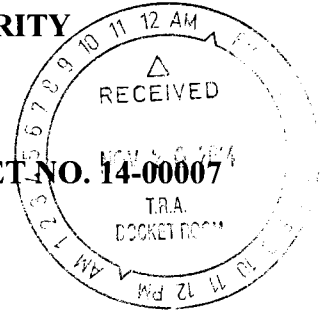


BEFORE THE TENNESSEE REGULATORY AUTHORITY

IN RE:

**SHOW CAUSE PROCEEDING AGAINST KING'S
CHAPEL CAPACITY, LLC, FOR ALLEGED
VIOLATIONS OF WASTEWATER UTILITY LAWS
AND TRA RULES**

DOCKET NO. 14-00007



JOINT MOTION TO CONTINUE HEARING

Come now King's Chapel Capacity, LLC ("KCC") and Party Staff, pursuant to TRA Rule 1220-1-2-.07(1), and jointly request that the Hearing Officer continue the hearing scheduled in this matter for December 1, 2014, to the conference for the Authority scheduled on February 9th, 2015. The hearing in this matter was first announced in an Order issued by the Hearing Officer on October 13, 2014. This is the first request for a continuance since the hearing announcement.

The purpose of the continuance is to give KCC adequate time to prepare to defend itself in this "show cause" proceeding initiated by the Authority pursuant to T.C.A. § 65-2-106. The Hearing Officer has directed KCC to "appear and show cause" why the TRA should not take action against it for violations of state statutes and TRA rules, including assessing significant penalties against KCC. T.C.A. § 65-2-109 assigns the burden of proof in a show cause proceeding upon the party that is required to appear and show cause why the Authority should not proceed in a certain matter. Therefore, KCC needs the additional time so that it is able to "fully reply" to the allegations contained in the Hearing Officer's Order.

In order to fully reply, KCC requests that a pre-hearing conference be convened pursuant to Rule 1220-1-2-.12 in order to establish a discovery schedule, including depositions and the issuance of subpoenas, to set dates for the pre-filing of testimony and briefs, to discuss the

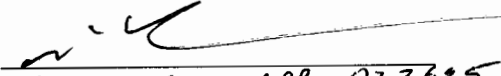
possibility of obtaining admissions and other such matters as described in Rule 1220-1-2-.12(1)(i). These procedures are typically followed in all TRA "contested case" proceedings,¹ and are necessary for KCC to present a full defense.

This matter has serious consequences for KCC and its customers and preparation for a hearing requires substantial time. At a minimum, the hearing scheduled for December 1, 2014 should be continued until the February 2015 agenda conference. KCC has never had a consumer complaint, has never polluted, and is acting in good faith in its management and operation of its wastewater facility. There is no imminent threat of any harm to KCC's customers. As such, delaying the hearing will not cause any harm, or prejudice the case, the Authority, or KCC customers.

WHEREFORE, King Chapel Capacity, LLC and Party Staff respectfully request that the hearing Officer grant this request and continue the hearing in this matter to the February 2014 conference.

Respectfully submitted,


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¹ Show cause proceedings "shall otherwise follow the provisions of this chapter with reference to contested cases." T.C.A. § 65-2-106.