

IN THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE

IN RE:

PETITION FOR APPROVAL OF  
NAME CHANGE FROM BERRY'S  
CHAPEL UTILITY, INC. TO  
HARPETH WASTEWATER  
COOPERATIVE

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DOCKET NO. 14-00048

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PETITION TO INTERVENE

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Robert E. Cooper, Jr., Attorney General and Reporter for the State of Tennessee, by and through the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate"), pursuant to Tenn. Code Ann. § 65-4-118, respectfully petitions the Tennessee Regulatory Authority ("TRA" or "Authority") to grant the Consumer Advocate's intervention into this proceeding on behalf of the public interest, because consumers may be affected by the Petition For Approval of Name Change from Berry's Chapel Utility, Inc. to Harpeth Wastewater Cooperative ("Petition") filed in this TRA Docket by Berry's Chapel Utility, Inc. ("Berry's Chapel" or "Utility"). For cause, the Consumer Advocate would show as follows:

1. The Consumer Advocate is authorized by Tenn. Code Ann. § 65-4-118 to represent the interests of Tennessee consumers of public utility services by initiating and intervening as a party in proceedings before the Authority in accordance with the Uniform Administrative Procedures Act and Authority rules.

2. Berry's Chapel is a public utility regulated by the Authority<sup>1</sup> and provides wastewater service to approximately 850 customers primarily in the Cottonwood, Legends Ridge, and River Landing subdivisions of Williamson County, Tennessee. The Utility's principal office and place of business is located at 106 Mission Court, Suite 203A, Franklin, Tennessee 37067.

3. On April 24, 2014, by letter dated April 18, 2014, Berry's Chapel filed the Petition under TRA Rule 1220-4-1-.08 notifying the Authority that Berry's Chapel will begin doing business as "Harpeth Wastewater Cooperative."<sup>2</sup> The Utility stated that the legal name of the Utility would not change.<sup>3</sup>

4. As support for its Petition, Berry's Chapel attaches to the Petition a copy of the Utility's Application for Registration of Assumed Corporate Name dated April 15, 2014, as filed with the Tennessee Secretary of State, along with an acknowledgement of such filing by the Tennessee Secretary of State.<sup>4</sup>

5. The Utility further states that the Utility's customers have been notified of the new assumed name by a notice letter which was sent to the TRA on April 15, 2014, and which is on file in TRA Docket 14-00004.<sup>5</sup>

6. In this matter, the Consumer Advocate seeks to represent the interests of consumers served by Berry's Chapel. The interests of consumers, including without limitation the potential for ambiguity and confusion as to the legal status of the Utility and the legal and financial rights and obligations of customers of the

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<sup>1</sup> See Berry's Chapel Utility, Inc. v. Tennessee Regulatory Authority, 2012 WL 6697288 (Tenn. Ct. App. 2012).

<sup>2</sup> Petition, page 1.

<sup>3</sup> Id.

<sup>4</sup> Petition, pages 2 – 3.

<sup>5</sup> Petition, page 1. The notice letter also appears to have been filed in this TRA Docket 14-00048 on May 20, 2014.

Utility, may be affected by determinations and orders made by the Authority with respect to the change to and use of an assumed name by the Utility.

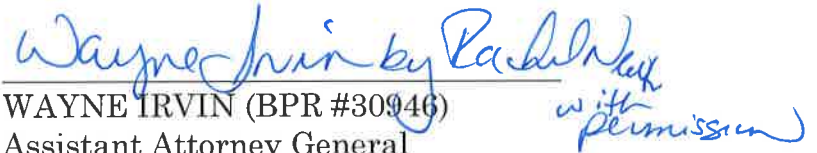
7. Only by participating in this proceeding can the Consumer Advocate work adequately to protect the interests of consumers.

WHEREFORE, Petitioner respectfully asks the Authority to grant this Petition to Intervene.

RESPECTFULLY SUBMITTED,



ROBERT E. COOPER, JR. (BPR #010934)  
Attorney General and Reporter  
State of Tennessee



WAYNE IRVIN (BPR #30946)  
Assistant Attorney General  
Office of the Tennessee Attorney General  
Consumer Advocate and Protection Division  
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Dated: 9/3, 2014.

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, Esq.  
Bradley Arant Boult Cummings LLP  
1600 Division Street, Suite 700  
PO Box 340025  
Nashville, Tennessee 37203

This the 3 day of Sept, 2014.

Wayne Irvin by  
Wayne Irvin Paul H. H. with  
permission