

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TN**

<b>In re:</b>	)	
	)	
<b>PETITION OF BERRY'S CHAPEL</b>	)	
<b>UTILITY, INC. FOR A DECLARATORY</b>	)	<b>DOCKET NO. 14-00075</b>
<b>ORDER</b>	)	
	)	

---

**PETITION TO INTERVENE AND COMMENCE CONTESTED CASE**

---

Tyler L. Ring and John D. Ring (collectively, the "Petitioners"), by and through counsel, hereby petition the Tennessee Regulatory Authority (the "Authority") for permission to intervene, pursuant to TRA Rule 1220-1-2-.08 and T.C.A. § 65-2-107, and to commence a contested case and appoint a hearing officer pursuant to TRA Rules 1220-1-2-.02(3) and 1220-1-2-.05(4) with respect to the Petition for Declaratory Order filed by Berry's Chapel Utility, Inc. ("BCUI"), Docket No. 14-00075. In support of their Petition, Petitioners state as follows:

1. On September 1, 2010, BCUI issued promissory notes to Tyler Ring and John D. Ring, both in the principal amount of \$1,200,000 and payable over a term of twenty years (the "Promissory Notes"). Each of the Promissory Notes were secured by BCUI's assets.
2. On August 5, 2014, BCUI filed a Petition for Declaratory Order with the Authority requesting, *inter alia*, a declaratory order that T.C.A. § 65-4-109 is applicable to the Promissory Notes, such that the Promissory Notes are not enforceable against BCUI.
3. Should the Authority grant the relief sought by BCUI, Petitioners' legal rights and interests will be determined in this proceeding without an opportunity for a hearing.
4. Therefore, Petitioners now seek the Authority's permission to intervene in BCUI's petition pursuant to TRA Rule 1220-1-2-.08 and T.C.A. § 65-2-107.

5. T.C.A. § 65-2-107 provides that the Authority “may upon motion allow any interested person to intervene and become a party to any contested case.”

6. Only by participating in this proceeding will Petitioners be able to adequately protect and vindicate their interests.

7. Further, Petitioners request that the Authority commence a contested case in this matter, pursuant to TRA Rules 1220-1-2-.02(3) and 1220-1-2-.05(4) and T.C.A. §§ 65-2-107 and 65-2-108.

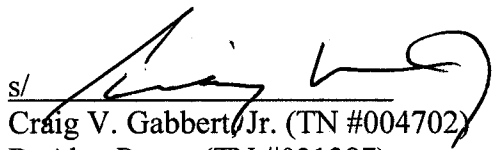
8. Petitioners assert that a full contested case hearing before the Authority is necessary to permit the discovery of and presentation of evidence, arguments of counsel, and to adequately protect the interests of all interested parties to this proceeding.

9. Petitioners assert that BCUI’s petition satisfies each of the criteria to justify commencement of a contested case in TRA Rule 1220-1-2-.02.

Therefore, Tyler L. Ring and John D. Ring request the Authority issue an order granting Petitioners’ request to intervene in this proceeding, and further granting Petitioner’s request to commence a contested case and appointing a hearing officer.

Respectfully Submitted:

**HARWELL HOWARD HYNE  
GABBERT & MANNER, P.C.**

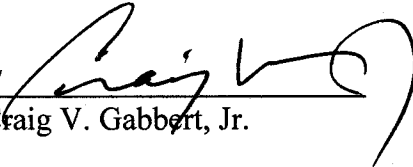
By:   
Craig V. Gabbert Jr. (TN #004702)  
R. Alex Payne (TN #031387)  
333 Commerce Street, Suite 1500  
Nashville, Tennessee 37201  
Telephone: (615) 256-0500  
Facsimile: (615) 251-1059  
Email: cvg@h3gm.com

*Counsel for Tyler L. Ring and John D. Ring*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 8, 2014, a true and correct copy of the foregoing document was served by U.S. Mail and electronic mail on the parties listed below:

Henry Walker  
Bradley Arant Boult Cummings, LLP  
1600 Division Street, Suite 700  
Nashville, TN 37203  
hwalker@babco.com

s/   
Craig V. Gabbert, Jr.

553109-01