

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

IN RE:)	
)	
PETITION OF BERRY'S CHAPEL)	
UTILITY, INC. FOR A DECLARATORY)	DOCKET NO. 14-00075
ORDER)	

BERRY'S CHAPEL UTILITY, INC.'S RESPONSE
TO PETITION TO INTERVENE

Berry's Chapel Utility, Inc. ("BCUI") has filed a "Petition for a Declaratory Order" concerning the applicability of T.C.A. § 65-4-109 to certain promissory notes issued by BCUI to Tyler L. Ring and John D. Ring.

Through counsel, the Rings have petitioned to intervene in this docket. The petition to intervene acknowledges that BCUI issued promissory notes to the Rings, stating, "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. . . . Each of the Promissory Notes was secured by BCUI's assets." Petition at 1. BCUI does not dispute that the Rings have a legal interest in the outcome of the proceeding and, therefore, the right to intervene pursuant to T.C.A. § 4-5-310.

The Rings' petition, however, also asserts that "a full contested case hearing," including "the discovery of and presentation of evidence" is needed "to adequately protect" their interests.


BCUI disagrees. As confirmed in the petition to intervene, the issuance and terms of the promissory notes are not in dispute. The only questions at issue are legal ones: the applicability of T.C.A. § 65-4-109 and the validity of promissory notes issued without the statutorily required approval of the Authority.

BCUI does not oppose the Rings' petition to intervene. BCUI does, however, oppose the Rings' implicit attempt to transform a request to address a question of law into an expensive and unnecessary evidentiary hearing.

Respectfully submitted,

BRADLEY ARANT BOULT CUMMINGS LLP

By: _____


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 13, 2014, a true and correct copy of the foregoing document was served by U.S. Mail and electronic mail on the parties listed below:

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