

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

October 14, 2014

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

ORDER REQUIRING FILING OF JOINT STATUS REPORT AND
PROPOSED PROCEDURAL SCHEDULE

This matter came before the Hearing Officer of the Tennessee Regulatory Authority ("Authority" or "TRA") during a Status Conference held with Berry's Chapel Utility, Inc. ("Berry's Chapel"), the Consumer Advocate and Protection Division of the Tennessee Attorney General's Office ("Consumer Advocate"), and Tyler L. Ring and John D. Ring (the "Rings") (collectively, the "Parties") on October 14, 2014, to consider the status of the proceeding and establish a procedural schedule.

RELEVANT BACKGROUND

On August 5, 2014, Berry's Chapel filed its *Petition for Declaratory Order* asking the Authority to issue a declaratory order concerning the applicability of Tenn. Code Ann. § 65-4-109 to certain promissory notes issued to the Rings by Berry's Chapel. Subsequently, on August 8, 2014, the Rings filed a *Petition to Intervene and Commence a Contested Case*. Berry's Chapel filed its response to the Rings' petition on August 14, 2014.¹ On August 26, 2014, the Consumer Advocate filed a *Petition to Intervene*.

¹ Berry's Chapel initially filed a response to the Rings' petition on August 12, 2014, but later filed a corrected copy of its response on August 14, 2014.

During a regularly scheduled Authority Conference held on September 15, 2013, the voting panel assigned to the docket voted to convene a contested case proceeding, granted the petitions to intervene filed by the Rings and the Consumer Advocate, and appointed General Counsel or her designee as Hearing Officer to handle preliminary matters and prepare the matter for hearing before the panel.² Upon confirming the availability of the parties, the Hearing Officer issued a *Notice of Status Conference* setting a status conference with the parties on October 14, 2014.³

OCTOBER 14, 2014 STATUS CONFERENCE

The Status Conference began as noticed in Hearing Room G.201 located on the Ground Floor of the Andrew Jackson State Office Building, 500 Deaderick Street, Nashville, Tennessee. The parties in attendance were as follows:

For Berry's Chapel:

Henry Walker, Esq., Bradley, Arant, Boulton, Cummings, LLP, 1600 Division Street, Suite 700, Nashville, Tennessee 37203;

For the Rings:

Craig V. Gabbert, Jr., Esq., Harwell Howard Hyne Gabbert & Manner, P.C., 333 Commerce Street, Suite 1500, Nashville, TN 37201; and

For the Consumer Advocate:

Wayne Irvin, Esq., Office of the Tennessee Attorney General, P.O. Box 20207, Nashville, TN 37202.

During the Status Conference, the Parties reported that they have engaged in discussions aimed at resolving the issues presented in this docket. To that end, the Parties requested to continue their informal discussions for an additional 30 days. Further, the Parties agreed that in the event that this matter is not resolved within that time, the Parties will file for the Hearing Officer's consideration a proposed procedural schedule with deadlines for the filing of Requests for

² *Order Accepting Petition, Granting Petitions to Intervene, Convening a Contested Case and Appointing a Hearing Officer* (September 24, 2014).

³ *Notice of Status Conference* (September 25, 2014).

Admissions, Responses to those Requests, Initial Briefs, and Responsive Briefs. The Hearing Officer agreed with the parties' proposal subject to the following conditions: 1) the final filing deadline will be no later than December 17, 2014, and 2) subject to confirmation of the Authority panel, the January Authority Conference will be the target hearing date.

BE IT THEREFORE ORDERED THAT:

The Parties shall file a joint status report concerning the ongoing progress of their informal discussions and information sharing and, in light of such progress, their preference for moving this matter forward **by November 14, 2014**. In the event that the Parties are unable to resolve this matter, the Parties are further directed to file, along with their joint status report, a proposed Agreed Procedural Schedule that is consistent with the conditions and includes the designated filings noted herein above.



Kelly Cashman-Grams, Hearing Officer