

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**December 15, 2014**

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

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**ORDER HOLDING DOCKET IN ABEYANCE FOR 30 DAYS &  
ESTABLISHING DEADLINE FOR RINGS' RESPONSES TO DISCOVERY AND/OR THE  
CONSUMER ADVOCATE'S MOTION TO COMPEL DISCOVERY**

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This matter came before the Hearing Officer of the Tennessee Regulatory Authority ("Authority" or "TRA") upon a request made by counsel for Tyler L. Ring and John D. Ring (the "Rings") for a temporary abeyance of the proceedings.<sup>1</sup> In his request, Mr. Gabbert states that due to his client's recent hospitalization and anticipated recovery period, he is unable to respond to discovery. Further, as the loans at issue in the docket are not included in the utility's financials for rate-making purposes and do not impact the utility's operations, the Rings request a temporary abeyance of the proceedings. To date, neither Berry's Chapel Utility, Inc. ("Berry's Chapel"), nor the Consumer Advocate and Protection Division of the Tennessee Attorney General's Office ("Consumer Advocate") have responded to the Rings' request.

In light of the circumstances set forth by the Rings' counsel, the Hearing Officer finds that an extension of the deadline for responses to discovery is not unreasonable. Therefore, the docket will be held in abeyance for thirty (30) days. Thereafter, no later than January 15, 2015, the Rings shall file in the docket their responses to the outstanding discovery requests

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<sup>1</sup> A copy of the Rings' request received via electronic mail on December 12, 2014, which includes the earlier exchange also copied to all parties, is attached to this Order as **Exhibit A**.

propounded by the Consumer Advocate on December 3, 2014. In the event that responses to discovery are not filed, the Rings are further directed to file a response to the Consumer Advocate's Motion to Compel, which was filed on December 12, 2014.

**BE IT THEREFORE ORDERED THAT:**

- 1) The docket is held in abeyance for thirty (30) days.
- 2) The Rings shall file, in the docket file, their responses to the Consumer Advocate's discovery requests (propounded December 3, 2014) **no later than 2:00 p.m. on January 15, 2015.**
- 3) In the event that the Rings are unwilling or unable to respond to discovery in whole or in part, as ordered above, the Rings are further ordered to file, in the docket file, a response to the Consumer Advocate's Motion to Compel (filed on December 12, 2014) **no later than 2:00 p.m. on January 15, 2015.**

  
Kelly Cashman-Grams, Hearing Officer

**Kelly Grams**

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**From:** Craig Gabbert [Craig.Gabbert@h3gm.com]  
**Sent:** Friday, December 12, 2014 3:51 PM  
**To:** Kelly Grams; 'Walker, Henry'; Alex Payne; Wayne Irvin  
**Cc:** Monica Smith-Ashford  
**Subject:** RE: Berry's Chapel Docket No. 14-00007 *75*

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I am sorry but one of my clients has been hospitalized for a week and will be in a nursing home for another week minimum for rehab. He has not been able to assist me or respond to the discovery, nor will he be able to for at least another 2 weeks. There is nothing happening with these notes that requires action on a set time table. They are not included in the financials for rate making purposes and have no impact on the utility operations. I request all matters be put in abeyance for 30 days to allow for my client to recover.



**Craig V. Gabbert, Jr.**  
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**From:** Kelly Grams [mailto:Kelly.Grams@tn.gov]  
**Sent:** Friday, December 12, 2014 3:20 PM  
**To:** 'Walker, Henry'; Craig Gabbert; Alex Payne; Wayne Irvin  
**Cc:** Monica Smith-Ashford  
**Subject:** RE: Berry's Chapel Docket No. 14-00007

Yes - correction, **December 18, 2014 at 9:30 a.m.**  
Thanks.

*Kelly Cashman-Grams*  
Deputy General Counsel/Hearing Officer  
Tennessee Regulatory Authority

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**From:** Walker, Henry [mailto:HWALKER@babco.com]  
**Sent:** Friday, December 12, 2014 3:18 PM  
**To:** Kelly Grams  
**Subject:** RE: Berry's Chapel Docket No. 14-00007

I assume you mean Dec 18---fine with me

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**From:** Kelly Grams [mailto:Kelly.Grams@tn.gov]  
**Sent:** Friday, December 12, 2014 3:15 PM

**To:** Craig V. Gabbert, Jr. ([craig.gabbert@h3gm.com](mailto:craig.gabbert@h3gm.com)); R. Alex Payne ([Alex.Payne@h3gm.com](mailto:Alex.Payne@h3gm.com)); Wayne Irvin; Walker, Henry  
**Cc:** Monica Smith-Ashford  
**Subject:** Berry's Chapel Docket No. 14-00007

Counsel,

As you may know, the Consumer Advocate has filed a Motion to Compel Discovery in this docket. Therefore, as was initially noticed in the Procedural Schedule, a Status Conference to hear argument on the motion (and on the response, which is due on/before November 16) will be held on **November 18, 2014 at 9:30 a.m.** in the 4th Floor Conference Room/TRA Offices. If the parties have not done so already, please confer with the goal of coming to agreement, if possible, concerning the disputed discovery before appearing for the Conference. If circumstances change such that a conference is no longer necessary, please let me know. Thank you.

(Also, FYI - for the upcoming holiday, the TRA offices are informal/casual dress next week so don't feel obligated to wear a suit.)

*Kelly Cashman-Grams*  
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Tennessee Regulatory Authority  
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