

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

June 24, 2015

IN RE:

**PETITION OF KINGS CHAPEL CAPACITY, LLC FOR
APPROVAL OF A LEGAL & REGULATORY EXPENSE
RECOVERY RIDER**

)
)
) **DOCKET NO.**
) **15-00037**
)

PRE-HEARING ORDER

Pursuant to Tenn. Code Ann. § 4-5-306(d) and TRA Rule 1220-1-2-.12, this matter is before the Hearing Officer of the Tennessee Regulatory Authority (“TRA” or “Authority”) to establish the orderly conduct of the hearing scheduled during the Authority Conference to be held at 1:00 p.m. (CDT) on Monday, June 29, 2015. This Order is entered in lieu of a pre-hearing conference with the parties, Kings Chapel Capacity, LLC (“KCC”) and the Consumer Advocate and Protection Division of the Office of the Attorney General (“CAPD” or “Consumer Advocate”).

I. PROCEDURAL MATTERS

The following order of the hearing has been established and agreed upon:

A. NOTICE OF HEARING & PUBLIC COMMENT

On June 19, 2015, a *Notice of Hearing* was issued notifying the public that a hearing will be held during the Authority Conference scheduled to begin at **1:00 p.m. (CDT) on Monday, June 29, 2015**. Members of the public are encouraged to participate by filing written comments in the docket file and/or presenting verbal comments during the hearing.

B. OPENING STATEMENTS

After any preliminary matters are considered, each party is permitted a maximum of ten (10) minutes to present an opening statement. KCC will present its opening statement first, followed by the Consumer Advocate.

C. EXHIBITS & DOCUMENTS

The parties should exchange any demonstrative exhibits related to a witness's pre-filed testimony before that witness appears on the stand. Each party should have its own copy of all exhibits, including those appended to pre-filed testimony, available for reference during the hearing and is responsible for supplying a sufficient number of copies of any exhibits that it intends to reference or discuss with a witness. A party should use its own judgment and discretion in determining the total number of copies to have on hand, but at a minimum, copies of an exhibit should be provided to the court reporter, each Director on the panel, Legal Staff, and the Utilities Division Chief.

D. TECHNOLOGICAL AND OTHER SPECIAL REQUESTS

The parties should inform the Hearing Officer of any requirements as to visual display aids and technology that might be needed during the hearing. So that the appropriate arrangements may be made, all such requests and information should be provided via email to the Hearing Officer at monica.smith-ashford@tn.gov by 2:00 p.m. (CDT) on Wednesday, June 24, 2015.

E. WITNESSES

During direct examination, the witness may summarize his pre-filed testimony. In addition, the witness remains subject to recall for rebuttal purposes and should remain available throughout the length of the proceedings.

- KCC will present one (1) witness:

- 1) **William H. Novak**- President, WHN Consulting. Mr. Novak will adopt the pre-filed testimony filed by John Powell.

The Consumer Advocate will not present any witnesses.

F. EXAMINATION OF WITNESSES AND QUESTIONS BY THE AUTHORITY

While redirect examination of a witness is allowed, the parties are reminded to limit questions on redirect to matters elicited during cross-examination that require clarification. It is not appropriate to raise new issues during redirect examination. Re-cross examination is not permitted except in the event that a new issue is raised during the immediately preceding redirect examination. The Authority's Advisory Staff has the opportunity to ask questions following cross-examination, before redirect examination. The parties should be aware that the Directors might ask questions at any time during a witness's testimony, as well as following cross-examination.

G. CLOSING ARGUMENTS

The parties will present closing arguments and forgo filing post-hearing briefs. Closing arguments will be presented first by the Consumer Advocate, then KCC. Each party will be given a maximum of ten (10) minutes to present closing arguments.

H. PRELIMINARY MATTERS/MOTIONS

The parties should make the Hearing Officer aware of any preliminary matters as soon as possible in advance of the hearing. Any motions or requests related to such matters are to be filed with the Authority and served upon the other party by 4:30 p.m. (CDT) on Thursday, June 25, 2015. Such motions shall include a statement concerning efforts made to contact adverse counsel and whether there is opposition to the motion. Any responses in opposition shall be filed and served by 4:30 p.m. (CDT) on Friday, June 26, 2015.

I. SUMMARY OUTLINE OF HEARING

For the convenience of the presiding panel and the parties, a *Procedural Outline of Hearing*

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EXPENSE RECOVERY RIDER**

**DOCKET NO.
15-00037**

PROCEDURAL OUTLINE OF HEARING

HEARING ON THE MERITS

- Scheduled to begin during the Authority Conference scheduled to begin at 1:00 p.m. (CDT) on June 29, 2015.

A. Hearing Convened by Chairman/Presiding Director & Introductions

B. Preliminary Matters

C. Opening Statements- Limited to ten (10) minutes

1. KCC
2. Consumer Advocate

D. Witness Testimony

KCC witness

William H. Novak

- Oath Administered/Witness Sworn -

Witness Summary of Direct

KCC

Cross-examination

Consumer Advocate

Questions

TRA Advisory Staff¹

Re-direct examination

KCC

E. Public Comments, if any

¹ While the Directors may ask questions at any time, the TRA Advisory Staff may directly question a witness between cross and re-direct examination.

F. Closing Arguments- Limited to ten (10) minutes

1. Consumer Advocate
2. KCC

G. Hearing Adjourned

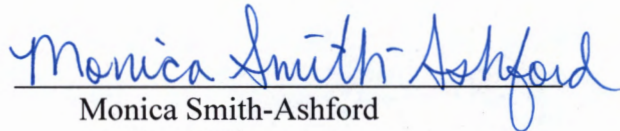
has been provided as an attachment to this Order.

IT IS THEREFORE ORDERED THAT:

1. Requests for visual aids, the use of technology, and information concerning the technical requirements of the parties shall be provided by electronic mail to the Hearing Officer at monica.smith-ashford@tn.gov by **2:00 p.m. (CDT) on Wednesday, June 24, 2015.**

2. Any preliminary motions or requests related to such matters are to be filed with the Authority and served upon the other party by **4:30 p.m. (CDT) on Thursday, June 25, 2015.** Such motions shall include a statement concerning efforts made to contact adverse counsel and whether there is opposition to the motion. Any responses in opposition shall be filed and served by **4:30 p.m. (CDT) on Friday, June 26, 2015.**

3. The hearing scheduled during the Authority Conference scheduled to begin at **1:00 p.m. (CDT) on Monday, June 29, 2015,** shall be conducted in accordance with this Pre-Hearing Order unless otherwise ordered by the Vice Chairman/Presiding Director.


Monica Smith-Ashford
Hearing Officer