

## Kelly Grams

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**Subject:** FW: Eagles Nest Docket No. 15-00047

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**From:** Kelly Grams  
**Sent:** Friday, September 11, 2015 8:03 AM  
**To:** Ben Gastel  
**Cc:** Melanie E. Davis; Erin Merrick ([erin.merrick@ag.tn.gov](mailto:erin.merrick@ag.tn.gov)); Vance Broemel; Ryan McGehee; Grace Stranch  
**Subject:** RE: Eagles Nest Docket No. 15-00047

Mr. Gastel,

Thank you for your response. I understand that Laurel Hills has agreed to a receivership in Docket No. 12-00077, and the appointment of a receiver for the operation of the utility is certainly important to the Authority's considerations in all dockets involving Laurel Hills. It is our hope that those those arrangements can be made and finalized in the Chancery Court soon. Please go ahead and file an official response in the docket file on Monday.

In light of the late filing, the Consumer Advocate and Eagles Nest may have until the following Monday, September 21st to file its Statement/testimony. Thank you.

*Kelly Cashman-Grams*  
Deputy General Counsel/Hearing Officer  
Tennessee Regulatory Authority  
Andrew Jackson State Office Building  
502 Deaderick Street, 4th Floor  
Nashville, TN 37243  
(P) 615-770-6856 (F) 615-741-9934  
[kelly.grams@tn.gov](mailto:kelly.grams@tn.gov)

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**From:** Ben Gastel [[beng@bsjfirm.com](mailto:beng@bsjfirm.com)]  
**Sent:** Thursday, September 10, 2015 4:27 PM  
**To:** Kelly Grams  
**Cc:** Melanie E. Davis; Erin Merrick ([erin.merrick@ag.tn.gov](mailto:erin.merrick@ag.tn.gov)); Vance Broemel; Ryan McGehee; Grace Stranch  
**Subject:** Re: Eagles Nest Docket No. 15-00047

Your Honor,

I am sorry I am just now responding, I am traveling for work all of this week.

Respondent apologizes for not submitting a response, respondent believed that after the August 17, 2015 TRA hearing, that the current suit against Laurel Hills would be moot due to the ruling that Laurel Hills must remove itself from the operations and management of the Renegade Mountain Water System. Per the settlement agreement, Laurel Hills agreed to place the Renegade Water system into a voluntary receivership chosen by the TRA. As such, Laurel Hills has no power to grant access to the Renegade Water system because they no longer have any power to operate or manage the water system. The decision of who can and cannot hook up to the Renegade Water system is now in the hands of the voluntary receivership chosen by the TRA.

Further, even if Laurel Hills wanted to grant water access to the Renegade Water System in the interim before a voluntary receivership was chosen by the TRA, there remains the open question of whether they are precluded from such actions because the TRA denied them the certificate of public convenience and necessity to operate the Renegade Mountain Water System. Unfortunately, Respondent certainty cannot get an answer to this issue before the system is turned over to the receiver.

To the extent that a response is still required, Respondent would respectfully request an extension until Monday.

Thank You,

Ben.

On Sep 9, 2015, at 3:57 PM, Kelly Grams <[Kelly.Grams@tn.gov](mailto:Kelly.Grams@tn.gov)> wrote:

Mr. Gastel,

This email is to bring to your attention that Laurel Hills has not yet filed its Answer to the Petition/Complaint in the above referenced docket, which as required in the *Order Establishing Partial Procedural Schedule* entered in the docket file on August 7, 2015, was due by **September 8, 2015**.

Please confirm your receipt of this email and let me know when the Authority may anticipate Laurel Hills' Answer in this case. Thank you.

*Kelly Cashman-Grams*  
Deputy General Counsel/Hearing Officer  
Tennessee Regulatory Authority  
Andrew Jackson State Office Building  
502 Deaderick Street, 4th Floor  
Nashville, TN 37243  
(P) 615-770-6856 (F) 615-741-9934  
[kelly.grams@tn.gov](mailto:kelly.grams@tn.gov)

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## Kelly Grams

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**From:** Melanie E. Davis [mdavis@kbattorneystn.com]  
**Sent:** Thursday, September 10, 2015 2:37 PM  
**To:** Kelly Grams  
**Cc:** 'Vance Broemel'; Ryan McGehee; 'Erin Merrick'; 'Ben Gastel'  
**Subject:** RE: Eagles Nest Docket No. 15-00047

Dear Ms. Cashman-Grams:

I am writing on behalf of the Petitioner Eagle's Nest, LLC. Eagle's Nest, LLC very much needs water as soon as possible to its development on Renegade Mountain at issue in this petition. We would like to move forward without regard to the failure by Laurel Hills to answer as ordered by September 8. This failure should not further prejudice my client and delay this matter further. Obviously, Laurel Hills does not have any serious objection or defense to my client's request to hook on to the water. If order by the TRA, this hook up to the water would require no action by Laurel Hills itself and can be accomplished by my clients and their contractors.

We are ready to proceed as scheduled and ask for no further delay.

Respectfully,

Melanie E. Davis  
Kizer & Black Attorneys, PLLC  
329 Cates Street  
Maryville, Tennessee 37801  
Phone: (865) 980-1625  
Fax: (865) 980-1640

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**From:** Erin Merrick [<mailto:Erin.Merrick@ag.tn.gov>]  
**Sent:** Thursday, September 10, 2015 3:09 PM  
**To:** Kelly Grams; 'Ben Gastel'  
**Cc:** 'Melanie E. Davis'; Vance Broemel; Ryan McGehee  
**Subject:** RE: Eagles Nest Docket No. 15-00047

Ms. Cashman-Grams,

As Laurel Hills' Answer has not yet been filed, the Consumer Advocate would like an extension of our Sept. 15, 2015, deadline to file our Statement of Position in Docket 15-00047. One of the principle objectives of such a Statement is to reply to the arguments/defenses Laurel Hills will raise in its Answer. Therefore, the Consumer Advocate needs time to review the Answer prior to making its Statement filing.

I request that the Sept. 15, 2015, deadline to be changed to "To Be Determined" status, and that a new deadline be set once Laurel Hills has made its filing. I currently anticipate that a deadline five business days after receiving the Answer will be sufficient, but that may change depending on my other obligations at that time (e.g., conference travel, other cases).

Thank you in advance for your understanding and flexibility in this regard. I look forward to your reply.

Best,

Erin Merrick

**From:** Kelly Grams [<mailto:Kelly.Grams@tn.gov>]

**Sent:** Wednesday, September 09, 2015 2:57 PM

**To:** 'Ben Gastel' <[beng@branstetterlaw.com](mailto:beng@branstetterlaw.com)>

**Cc:** 'Melanie E. Davis' <[mdavis@kbattorneystn.com](mailto:mdavis@kbattorneystn.com)>; Erin Merrick <[Erin.Merrick@ag.tn.gov](mailto:Erin.Merrick@ag.tn.gov)>; Vance Broemel <[Vance.Broemel@ag.tn.gov](mailto:Vance.Broemel@ag.tn.gov)>; Ryan McGehee <[Ryan.McGehee@tn.gov](mailto:Ryan.McGehee@tn.gov)>

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*Kelly Cashman-Grams*

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