

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE:

PETITION OF

BERRY'S CHAPEL UTILITY, INC.

TO POST ALTERNATIVE

FINANCIAL SECURITY

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DOCKET NO. 15-00050

**PETITION OF BERRY'S CHAPEL UTILITY, INC. TO POST
ALTERNATIVE FINANCIAL SECURITY**

Berry's Chapel Utility, Inc. ("BCUI") seeks approval of Alternative Financial Security pursuant to TRA Rule 1220-4-13-.07(5).

At this time, BCUI is a defendant in a collection action in Williamson County Chancery Court. The court case and its possible consequences are described in the "Motion for Clarification" filed March 2, 2015 in Docket 14-00004. The case is scheduled to be heard on May 8, 2015. The Court's decision will likely determine whether BCUI will be able to comply with the TRA's financial security requirements or, as explained in the Motion, whether the utility may be required to seek the protection of bankruptcy court.


Under these circumstances, BCUI requests that it be allowed to post alternative financial security and that the company be permitted to delay further filings in this matter until after the Williamson County case is resolved.¹ In the meantime, BCUI still has, untouched, \$20,000 in a separate bank account which was created to satisfy the TRA's financial security requirement. In

¹ Based on discussions with the TRA Compliance Staff, it is BCUI's understanding that the filing of this request is sufficient to meet the May 1 deadline set forth in TRA Rule 1220-4-13-.07(5).

regard to this utility, the agency has previously held that a \$20,000 letter of credit and the maintenance of billing agreements are sufficient to comply with Rule 1220-4-13-.07(5). See "Order Granting Alternative Financial Security" for Lynwood Utility Corporation, Docket 10-00130 (Sept. 14, 2010).

Respectfully submitted,

BRADLEY ARANT BOULT CUMMINGS LLP

By: 
Henry Walker (B.P.R. No. 000272)
Bradley Arant Boult Cummings, LLP
1600 Division Street, Suite 700
Nashville, TN 37203
Phone: 615-252-2363
Email: hwalker@babbc.com