

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
AT NASHVILLE, TENNESSEE**

IN RE:

DOCKET NO. 15-00118

**ALLEGED VIOLATIONS OF
THE STATUTES AND RULES
REGULATING WATER
UTILITIES BY MOY TOY, LLC**

**MOY TOY, LLC's
ANSWER TO PETITION**

Comes Moy Toy, LLC, a Tennessee Limited Liability Company, by and through counsel, and answers the Petition commencing this proceeding as follows.

1. The allegations of Paragraph 1 are Denied. Moy Toy, LLC, has not operated and did not operate a public utility.
2. The allegation of Paragraph 2 is admitted, with the qualification that Moy Toy, LLC, did not operate a utility.
3. The allegations of Paragraph 3 are Denied. Moy Toy has never charged anyone for water service and never supplied water service.
4. The allegations of Paragraph 4 are Denied. Moy Toy has never charged anyone for water service and never supplied water service.
5. The allegations of Paragraph 5 are inapplicable to Moy Toy, LLC, because Moy Toy did not operate a utility nor water system.

6. The allegations of Paragraph 6 are inapplicable to Moy Toy, LLC, because Moy Toy did not operate a utility nor water system.

7. The allegations of Paragraph 7 are admitted, but the allegation is inapplicable to Moy Toy, LLC, because Moy Toy did not operate a utility nor water system.

8. The allegations of Paragraph 8 are admitted, but the allegation is inapplicable to Moy Toy, LLC, because Moy Toy did not operate a utility or water system.

9. The allegations of Paragraphs 9 and 10 are Denied, in that the allegations are based upon presumptions which are not accurate. Moy Toy did not operate a utility or water system.

10. The allegations of Paragraphs 11 – 21 are Denied. Moy Toy has not violated any statutory or regulatory provisions cited.

11. Any allegations not admitted or qualified above are Denied.

Affirmative Defenses

1. Petitioner fails to state a claim upon which relief may be granted.

2. Petitioner is estopped from maintaining its claims based on its failure to timely pursue the matter and its failure to fairly and equitably enforce the laws and regulations to other entities. Moy Toy, LLC, was harmed by Petitioner's course of action.

3. The doctrine of laches bars the actions and claims of the Petitioner.

4. The claims of the Petitioner are barred by the applicable statute of limitations.

5. The claims of the Petitioner are barred as a result of the elective and inconsistent enforcement of the laws and regulations upon which Petitioner bases its claims.

6. Moy Toy, LLC, reserves the right to amend to include additional **affirmative defenses** as the case progresses.

WHEREFORE, the above premises considered, it is requested that this action be dismissed and that the relief requested by Petitioner be denied.

This 4th day of February, 2016.

/s/ **Scott D. Hall**

Scott D. Hall, Esq. BPR#014874

105 Bruce Street

Sevierville, TN 37862

Attorney for Moy Toy, LLC

Certificate of Service

The undersigned hereby certifies that a true and exact copy of the foregoing **Moy Toy, LLC's Answer to Petition** has been served upon the following counsel or party in interest herein by delivering same to the address of said counsel or party via electronic mail, or by mailing same to the offices of said counsel or address of the party by United States Mail with sufficient postage thereon to carry it to its destination.

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This 4th day of February, 2016.

/s/ **Scott D. Hall**

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