

BEFORE THE TENNESSEE REGULATORY AUTHORITY

RECEIVED
2016 SEP 19 PM 1:21
T.R.A. DOCKET ROOM

IN RE:

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

)
)
)
)
)
)

DOCKET NO. 15-00118

NOTICE TO THE HEARING OFFICER CONCERNING DISCOVERY

Comes now the Tennessee Regulatory Authority (“TRA” or “Authority”) Staff Appointed as Party (“TRA Party Staff” or “Party Staff”) and provides this *Notice to the Hearing Officer Concerning Discovery*:

As the Hearing Officer is aware, discovery in contested cases before the TRA is conducted by parties pursuant to Tenn. Comp. R. & Regs 1220-01-02-.11. This Rule states “in any case where discovery is sought, no discovery shall be undertaken until a discovery schedule is set in accordance with these rules.” Tenn. Comp. R. & Regs 1220-01-02-.11(1). As such, Party Staff believes that a deadline does not currently exist for it to respond to *Moy Toy, LLC’s First Request for Discovery and Request for Admissions*, filed by Moy Toy, LLC (“Moy Toy”) on September 2, 2016, as a discovery schedule has not been issued in this case. However, because Party Staff has already requested discovery and Moy Toy has responded, Party Staff wishes to continue to engage in discovery with Moy Toy even in the absence of a discovery schedule. That said, Moy Toy took seventy five (75) days to respond to Party Staff’s *First Request for Discovery* filed on April 27, 2016, and its response was largely non-responsive.

Additionally, present counsel has only recently taken on responsibility for this matter from previous counsel, Mr. Shiva Bozarth. Due to workload issues caused by Mr. Bozarth's departure and in custom with the time Moy Toy time took in responding to Party Staff's *First Request for Discovery*, Party Staff hereby gives notice that it intends to respond to *Moy Toy, LLC's First Request for Discovery and Request for Admissions* by November 16, 2016. If the hearing officer believes it prudent to enter a discovery schedule or otherwise require a response from Party Staff sooner, Party Staff will reasonably comply with that order or deadline.

Respectfully submitted,

TRA PARTY STAFF

By: 

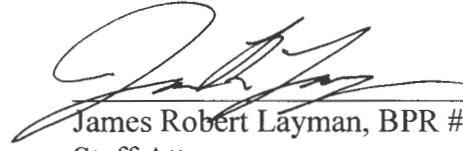
James Robert Layman, BPR No. 30662
Staff Attorney
Tennessee Regulatory Authority
502 Deaderick Street, 4th Floor
Nashville, TN 37243
Tel: (615) 770-6895
Fax: (615) 741-9934
Email: jim.r.layman@tn.gov

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 14th day of September, 2016, an exact copy of the foregoing was served on the following parties by United States Postal Service, postage prepaid to:

Scott D. Hall
105 Bruce Street
Sevierville, Tennessee 37862
Attorney for Moy Toy, LLC

Vance Broemel
Office of the Tennessee Attorney General and Reporter
Consumer Protection and Advocate Division
Post Office Box 20207
Nashville, Tennessee 37207



James Robert Layman, BPR # 30662
Staff Attorney
(615)770-6895