

BEFORE THE TENNESSEE REGULATORY AUTHORITY

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IN RE:

SHOW CAUSE PROCEEDINGS  
AGAINST CONDO VILLAS OF GATLINBURG  
ASSOCIATION, INC. FOR VIOLATIONS OF  
THE STATUTES AND RULES  
REGULATING WATER UTILITIES

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DOCKET NO. 15-00125

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TENNESSEE CODE ANNOTATED SECTION 4-5-313 NOTICE

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Comes now the Tennessee Regulatory Authority, by and through the Compliance Division, and hereby serves notice pursuant to Tenn. Code Ann. § 4-5-313 as follows:

1. An executed version of the accompanying Affidavit of Patsy Fulton, (attached exhibit A) may be introduced as evidence at the show cause hearing of Condo Villas Of Gatlinburg Association, Inc., before the Tennessee Regulatory Authority, Docket No. 15-00125.
2. Patsy Fulton may not be called to testify orally, and you would then not be entitled to question such affiant unless you notify Shiva K. Bozarth, at Tennessee Regulatory Authority, Andrew Jackson State Office Building, 502 Deaderick Street, 4<sup>th</sup> Floor, Nashville, Tennessee 37243 that you wish to cross-examine such affiant. To be effective, your request must be received on or before July 5, 2016 at 11:30 a.m. CST.

Respectfully submitted this the 22<sup>nd</sup> day of June, 2016.



Shiva K. Bozarth, BPR # 022685  
Chief, Compliance Division  
Tennessee Regulatory Authority  
Andrew Jackson State Office Building,  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, Tennessee 37243

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this document has been served upon, Counsel for Condo Villas Of Gatlinburg Association, Inc., by delivering same in the United States First Class Mail, with sufficient postage thereon to reach its destination.

This 22<sup>nd</sup> day of June, 2016.



Shiva K. Bozarth

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**IN RE:**

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**DOCKET NO. 15-00125**

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**AFFIDAVIT OF PATSY FULTON**

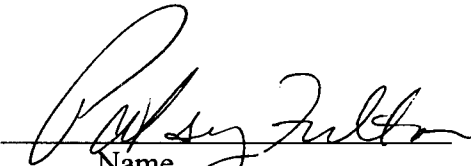
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I, Patsy Fulton, being first duly and sworn upon oath, do hereby state as follows:

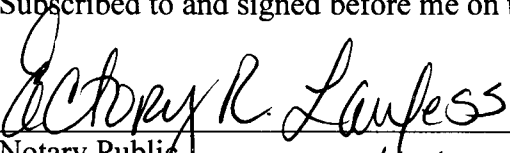
1. I have direct personal knowledge of the facts stated herein.
2. The Statement of Gross Earnings and Computation of Inspection Fee (UD-20) together with the applicable fees due have not been received from Respondent since March 27, 2012.
3. The Compliance Division ("Compliance") of the Tennessee Regulatory Authority ("TRA" or "Authority") sent notice via certified mail on June 2, 2015, advising the Respondent that the TRA's records show the 2014 Statement of Gross Earnings and Computation of Inspection Fee (UD-20), together with the applicable fee due by April 1, 2015, have not been received; therefore, a penalty of 10% per month or a fraction thereof will be assessed from April 1, 2015, through the date the payment is received.
4. On September 22, 2015, the Compliance Division sent another notification via certified mail stating that unless the 2014 Statement of Gross Earnings and Computation of Inspection Fee (UD-20), together with the payment of the inspection fee plus the appropriate penalty is received by October 15, 2015, the Compliance Division will request a show cause hearing for the purpose of imposing civil penalties against Respondent.
5. Respondent, as yet, has not filed the required Statement of Gross Earnings and Computation of Inspection Fee for 2012, 2013, 2014, and 2015 together with the applicable fee due plus assessed penalty pursuant to T.C.A. 65-4-301, *et seq.*
6. Furthermore, the TRA Utilities Division has made several requests dating back to 2011 requesting annual reports as required by TRA rules. The annual reports are due on or before April of each year. To date, the TRA has not received reports for the years ending 2011, 2012, 2013, 2014 and 2015.



FURTHER AFFIANT SAYETH NOT.

  
Name

Subscribed to and signed before me on this 20<sup>th</sup> day of June, 2016.

  
Notary Public  
My Commission Expires: 1/9/2018

