

G. Everett Sinor, Jr.
Attorney at Law

April 21, 2016

Ms. Sharla Dillon
Dockets and Records Manager
Tennessee Regulatory Authority
Andrew Jackson Building
502 Deaderick Street, Fourth Floor
Nashville, Tennessee 37243

RE: *Filing of the Petitioner's Amended Statement of Position*

DELIVERY BY UNITED STATES FIRST CLASS MAILS AND ELECTRONIC MAIL

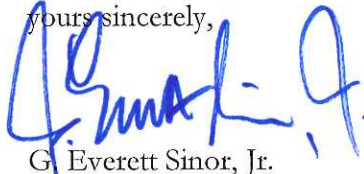
Dear Ms. Dillon:

Please find enclosed herewith an original and four (4) copies of the Laurel Hills Water System in Receivership's Amended Statement of Position, for filing in docket number 16-00012.

Should you have any questions, please do not hesitate to contact me.

Thanking you for your consideration of this matter, I remain,

yours sincerely,



G. Everett Sinor, Jr.
Attorney at Law

Enclosure

cc: Shiva K. Bozarth, Esq.
Donald Scholes, Esq. and Benjamin Gastel, Esq.
Melanie Davis, Esq.
Vance Broemel, Esq.
Roger York, Esq.

BEFORE THE TENNESSEE REGULATORY AUTHORITY
AT NASHVILLE, TENNESSEE

IN RE:

PETITION OF LAUREL HILLS WATER
SYSTEM IN RECEIVERSHIP FOR
APPROVAL OF ADJUSTMENT OF ITS
RATES AND CHARGES

)
)
) Docket No. 16-00012
)
)
)

PETITIONER'S RESPONSE TO THE CONSUMER PROTECTION AND ADVOCATE
DIVISION OF THE ATTORNEY GENERAL & REPORTER OFFICE'S AMENDED
STATEMENT OF POSITION

COMES NOW, the petitioner, Laurel Hills Water System in Receivership, and provides this, its response to the Consumer Protection and Advocate Division of the Tennessee Attorney General and Reporter Office's [hereinafter the "Attorney General"] amended statement of position in the above-styled matter.

The Attorney General has withdrawn his motion to dismiss options (a) and (b) in the Petitioner's petition for emergency relief, and has amended his statement of position, all in response to the Cumberland County Chancery Court's [hereinafter the Receivership Court] amended Order Appointing Receiver.¹ The Petitioner in this instant proceeding, therefore, would merely submit its petition to the Tennessee Regulatory Authority [hereinafter the "Authority"] for consideration, guidance, and a recommendation on the appropriate rate to charge the water system's rate-payers. The Petitioner takes no position on the appropriate

¹ As the Attorney General accurately notes, the Amended Order Appointing Receiver has been transmitted to the Receivership Court by the Tennessee Regulatory Authority, and its language appears to be consistent with the comments made by the Receivership Court on April 7, 2016 when the Authority's Motion to Alter or Amend was heard. To the best of the Petitioner's knowledge, the Amended Order Appointing Receiver has not yet been entered by the Receivership Court.

manner by which the Authority should recoup amounts taxed on an interim basis as costs in the Receivership Court proceeding.

None of the modified language in the amended Order Appointing Receiver materially alters the Petitioner's statement of position. Thus, the Petitioner would re-state its position as follows:

- a. Receivership costs and expenses incurred in the matter before the Receivership Court that established the receivership estate are to be taxed to the Authority if the receivership estate itself is unable to pay such receivership costs and expenses;
- b. The Authority is permitted to recoup monies it expends on such receivership costs and expenses, as contemplated and delineated by the amended Order Appointing Receiver, and pursuant to the terms of such order.
- c. The Petitioner is empowered by the amended Order Appointing Receiver to petition the Authority for a modification of its rates. It did so on January 28, 2016, thus initiating this matter;
- d. This matter for a modification of the Petitioner's rates was instituted for the purpose of seeking a recommendation from the Authority on the appropriate rate to be applied to the customers of the Petitioner. As the Petitioner is currently subject to the jurisdiction of the Receivership Court, that court has the power to establish a rate and to tax costs, including receivership costs and expenses, to any person it chooses, consistent with its inherent judicial authority;
- e. Options (a) through (c) in the petition filed in the above-styled matter set out three (3) different rate proposals to take into account the payment of receivership costs and expenses. Each of these rate proposals can legitimately be considered

by the Authority as a recommendation to the Receivership Court, as permitted by the amended Order Appointing Receiver;

- f. No objection has been raised by the Attorney General as to the amount of the costs and expenses filed by the Receiver, only the method, if any, by which the Authority is able to recoup amounts it is required to pay to the Receiver.

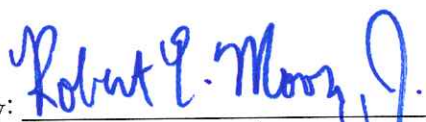
Furthermore, no objection has yet been raised by the Attorney General as to any other rate component in the Petitioner's filing in this matter. The Petitioner would reserve the right to amend this response if any such objection is raised by the Attorney General or any subsequent intervenor.

DATED: April 21, 2016.

Respectfully submitted,

Laurel Hills Water System in Receivership

By:


Robert E. Moore, Jr. (BPR #013600)
Chief Operations Officer
Receivership Management Inc.
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Nashville, Tennessee 37217
615.370.0051 (Phone)
615.373.4336 (Facsimile)
rmoore@receivermgmt.com (Email)
*Court Appointed Receiver for
Laurel Hills Water System*

*by J. Moore / J.
h. permission
granted on 4/21/16*


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615.969.9027 (Phone)
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Certificate of Service

The undersigned hereby certifies that a true and correct copy of the foregoing Response to the Consumer Advocate's Amended Statement of Position has been served upon the parties hereto and the other persons listed below, at:

Shiva K. Bozarth, Esq.
Chief of Compliance
Counsel for Tennessee Regulatory Authority
502 Deaderick Street, Fourth Floor
Nashville, Tennessee 37243

Donald Scholes, Esq.
Benjamin Gastel, Esq.
Branstetter, Stranch & Jennings
Counsel for Laurel Hills Condominiums
Property Owners Association
223 Rosa L. Parks Boulevard, Suite 200
Nashville, Tennessee 37203

Melanie Davis, Esq.
Kizer & Black
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Maryville, Tennessee 37801

Vance Broemel, Esq.
Erin Merrick, Esq.
Consumer Advocate and Protection Division
Tennessee Attorney General and Reporter
Post Office Box 20207
Nashville, Tennessee 37202

Roger York, Esq.
York & Bilbrey
456 North Main Street, Suite 201
Crossville, Tennessee 38555

via the United States Mails, postage prepaid, this ^{21st} day of April, 2016.


G. Everett Sinor Jr.