

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION**

**NASHVILLE, TENNESSEE**

**May 29, 2026**

**IN RE:**

**PETITION OF BERRY’S CHAPEL UTILITY FOR AN  
INCREASE IN ITS RATES AND CHARGES**

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**DOCKET NO.  
26-00039**

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**ORDER GRANTING THE PETITION TO INTERVENE  
FILED BY THE CONSUMER ADVOCATE**

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This matter is before the Administrative Judge of the Tennessee Public Utility Commission (“Commission” or “TPUC”) to consider the *Petition to Intervene* filed by the Consumer Advocate Division of the Office of the Tennessee Attorney General (“Consumer Advocate”) on May 27, 2026.

**RELEVANT BACKGROUND**

On May 14, 2026, Berry’s Chapel Utility, Inc. (“Berry’s Chapel” or “Company”) filed its *Petition of Berry’s Chapel Utility for an Increase in its Rates and Charges* (“*Petition*”) seeking approval of an increase of its rates, fees, and charges.<sup>1</sup> Berry’s Chapel is a public utility regulated by the Commission providing wastewater service to residential and non-residential customers in Williamson County, Tennessee. The Company’s *Petition* seeks an increase in rates from customers of 10% to produce \$98,000 in additional annual revenue.<sup>2</sup>

**CONSUMER ADVOCATE’S *PETITION TO INTERVENE***

On May 27, 2026, the Consumer Advocate filed a *Petition to Intervene* seeking to intervene

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<sup>1</sup> *Petition* (May 14, 2026).

<sup>2</sup> *Id.* at 2.

in the docket in accordance with Tenn. Code Ann. § 65-4-118, which qualifies the Consumer Advocate to represent the interests of Tennessee consumers of public utility services in proceedings before the Commission. The Consumer Advocate asserts that:

The interest of consumers, including without limitation the proposed increase in rates to be paid by the Company's consumers, the proposed rate design, and proposed methodologies may be affected by determinations and orders made by the Commission with respect to the review and analysis of the supporting schedules and other documentation, financial spreadsheets, and materials provided by Berry's Chapel.<sup>3</sup>

For these reasons, the Consumer Advocate seeks to intervene in these proceedings to represent the interests of Tennessee consumers. The Consumer Advocate states that Berry's Chapel has no objection to the *Petition to Intervene*.<sup>4</sup>

## FINDINGS & CONCLUSIONS

Tenn. Code Ann. § 4-5-310 establishes the following criteria for granting petitions to intervene:

- (a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:
  - (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;
  - (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and
  - (3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.
- (b) The agency may grant one (1) or more petitions for intervention at any time, upon determining that the intervention sought is in the interests

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<sup>3</sup> *Petition to Intervene*, p. 2 (May 8, 2026).

<sup>4</sup> *Id.*

of justice and shall not impair the orderly and prompt conduct of the proceedings.<sup>5</sup>

Although it is not an automatic or absolute right to participate in proceedings before the Commission, Tenn. Code Ann. § 65-4-118(b)(1) provides a general basis for the qualification of the Consumer Advocate to be permitted to intervene as a party to represent the interests of Tennessee public utility consumers. It provides as follows:

The consumer advocate division has the duty and authority to represent the interests of Tennessee consumers of public utilities services. The division may, with the approval of the attorney general and reporter, participate or intervene as a party in any matter or proceeding before the commission or any other administrative, legislative or judicial body and initiate such proceeding, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and the rules of the commission.<sup>6</sup>

In this docket, Berry's Chapel seeks approval of a revenue deficiency recovery through an increase in its rates, fees, and charges. If approved, the Company's customers will experience an increase on their monthly billing charges. Therefore, the Administrative Judge finds that there is a sufficient factual basis to find that legal rights or interests held by those consumers may be determined in this proceeding.

Therefore, upon due consideration, the Administrative Judge concludes that the legal rights, duties, privileges, immunities, or other legal interest of Tennessee customers may be determined in this proceeding. Further, the Administrative Judge finds that the Consumer Advocate qualifies under law as an intervenor for the purpose of representing those consumer interests, there is no objection to its intervention, and its *Petition to Intervene* was timely filed. Further, the Consumer Advocate's participation should not impair the interests of justice or the orderly and prompt conduct of the proceedings. For these reasons, the Administrative Judge finds that the Consumer Advocate's *Petition*

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<sup>5</sup> Tenn. Code Ann. § 4-5-310 (West 2026).

<sup>6</sup> Tenn. Code Ann. § 65-4-118(b)(1) (West 2026).

*to Intervene* should be granted.

**IT IS THEREFORE ORDERED THAT:**

The *Petition to Intervene* filed by the Consumer Advocate Division of the Office of the Tennessee Attorney General is granted. The Consumer Advocate Division of the Office of the Tennessee Attorney General may intervene and participate as a party in this proceeding and, as such, shall receive copies of any notices, orders, or other documents filed herein.

  
Aaron J. Conklin, Administrative Judge