

**IN THE TENNESSEE PUBLIC UTILITY COMMISSION  
AT NASHVILLE, TENNESSEE**

**IN RE:** )  
 )  
**PETITION OF BERRYS CHAPEL** )  
**WASTEWATER SYSTEMS, LLC AND** ) **DOCKET NO. 26-00039**  
**TPUC STAFF (AS A PARTY) TO** )  
**INCREASE RATES AND CHARGES** )

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**CONSUMER ADVOCATE’S FIRST SET OF DISCOVERY REQUESTS  
TO BERRYS CHAPEL UTILITY INC.**

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This First Set of Discovery Requests is hereby served upon Berrys Chapel Utility Inc. (“Berrys Chapel” or the “Company”), pursuant to Rules 26, 33, 34, and 36 of the Tennessee Rules of Civil Procedure and Tenn. Comp. R. & Regs. 1220-01-02-.11. The Consumer Advocate Division of the Office of the Attorney General (“Consumer Advocate”) requests that full and complete responses be provided pursuant to the Tennessee Rules of Civil Procedure. The responses are to be produced at the Office of the Tennessee Attorney General and Reporter, Consumer Advocate Division, John Sevier Building, 500 Dr. Martin L. King Jr. Blvd., Nashville, Tennessee 37243, c/o Ryan McGehee, on or before Thursday June 26, 2026, at 2:00 p.m. Central.

**PRELIMINARY MATTERS AND DEFINITIONS**

1. **Continuing Request.** These discovery requests are to be considered continuing in nature and are to be supplemented from time to time as information is received by the Company and any of its affiliates which would make a prior response inaccurate, incomplete, or incorrect.
2. **Clear References.** To the extent that the data or information requested is incorporated or contained in a document, identify the document including page/line number if applicable.
3. **Format of Responses.** Provide all responses in the format in which they were created or maintained, for example, Microsoft Word or Microsoft Excel format with all cells and

formulas intact and in working order. If a document (including without limitation a financial or other spreadsheet or work paper) is not created or maintained in Microsoft Excel format, convert the document to Microsoft Excel format or provide the document in a format that enables or permits functionality like or similar to Microsoft Excel (including without limitation the functionality of working cells and formulas), or provide the software program(s) that will enable the Consumer Advocate to audit and analyze the data and information in the same manner as would be enabled or permitted if the document were provided in Microsoft Excel format.

4. **Objections.** If any objections to this discovery are raised based on privilege or immunity, include in your response a complete explanation concerning the privilege or immunity asserted. If you claim a document is privileged, identify the document and state the basis for the privilege or immunity asserted. If you contend that you are entitled to refuse to fully answer any of the discovery, state the exact legal basis for each such refusal.

5. **Singular/Plural.** The singular shall include the plural, and vice-versa, where appropriate.

6. **Definitions.** As used in this Request:

(a) “You,” “Your,” “Company,” shall mean Berry’s Chapel Wastewater Systems, LLC and all employees, agents, attorneys, representatives or any other person acting or purporting to act on its behalf.

(b) “Affiliate” shall mean any entity who, directly or indirectly, is in control of, is controlled by, or is under common control with the Company. For greater clarification, “control” is the ownership of 20% or more of the shares of stock entitled to vote for the election of directors in the case of a corporation, or 20% or more of the equity interest in the case of any other type of entity, or status as a director or officer of a corporation or limited liability company, or status as a partner of a partnership, or status as an owner of a sole proprietorship, or any other arrangement whereby a person has the power to choose, direct, or manage the board of directors or equivalent governing body, officers, managers, employees, proxies, or agents of another person. In addition, the term “Affiliate” shall mean any entity that directly or indirectly provides management or operational services to the Company or any affiliate (as defined in the preceding sentence) of the Company, or to which the Company provides management or operational services. Further,

the payment of money to the Company or receipt by the Company of money from an entity with which the Company has any relationship, other than such payment or receipt, shall include the payor or recipient of such money as an “Affiliate”.

(c) “Communication” shall mean any transmission of information by oral, graphic, written, pictorial or otherwise perceptible means, including but not limited to personal conversations, telephone conversations, letters, memoranda, telegrams, electronic mail, newsletters, recorded or handwritten messages, meetings and personal conversations, or otherwise.

(d) “Document” shall have the broadest possible meaning under applicable law. “Document” shall mean any medium upon which intelligence or information can be recorded or retrieved, such as any written, printed, typed, drawn, filmed, taped, or recorded medium in any manner, however produced or reproduced, including but not limited to any writing, drawing, graph, chart, form, letter, note, report, electronic mail, memorandum (including memoranda, electronic mail, report, or note of a meeting or communication), work paper, spreadsheet, photograph, videotape, audio tape, computer disk or record, or any other data compilation in any form without limitation, which is in your possession, custody or control. If any such document was, but no longer is, in your possession, custody or control, state what disposition was made of the document and when it was made?

(e) “Person” shall mean any natural person, corporation, firm, company, proprietorship, partnership, business, unincorporated association, or other business or legal entity of any sort whatsoever.

(f) “Identify” with respect to:

- i. Any natural person, means to state the full name, telephone number, email address and the current or last known business address of the person (if no business address or email address is available provide any address known to you) and that person’s relationship, whether business, commercial, professional, or personal with you;
- ii. Any legal person, business entity or association, means to state the full name, the name of your contact person with the entity, all trade name(s), doing business as name(s), telephone number(s), email address(es), and current or last known business address of such person or entity (if no business address is available provide any address known to you);
- iii. Any document, means to state the type of document (e.g., letter), the title, identify the author, the subject matter, the date the document bears and the date it was written; and
- iv. Any oral communication, means to state the date when and the place where it was made, identify the person who made it, identify the person or persons who were present or who heard it, and the substance of it.

(g) “And” and “or” shall be construed conjunctively or disjunctively as necessary to make the discovery request inclusive rather than exclusive.

(h) “Including” shall be construed to mean including but not limited to.

**FIRST SET OF DISCOVERY REQUESTS**

1-1. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**RESPONSE:**

1-2. [REDACTED]

[REDACTED]

[REDACTED]

**RESPONSE:**

1-3. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**RESPONSE:**

1-4. Refer to page 3 of Mr. Novak’s direct testimony. Explain in a narrative format the methodology utilized to develop the rate of return and what role the annual debt costs play in the calculation.

**RESPONSE:**

1-5. Refer to Exhibit A of Mr. Novak’s direct testimony. In the context of office supplies expense for a small wastewater utility, please provide an explanation in narrative format for forecasted “office supplies expense” proposed.

**RESPONSE:**

1-6. Provide an explanation in narrative format for how customers are billed.

- a. Are customers billed electronically, mail, or both?
- b. If a third-party bills on behalf of the utility, please provide a copy of the agreement between the utility and the third party

**RESPONSE:**

1-7. Non-Residential Customers: Reference: Savage Direct at 4:6 & 7: Berry’s Chapel also provides wastewater service to two non-residential customers. And in the *Petition* at 1: three non-residential customers: Clarify the number of non-residential customers.

**RESPONSE:**

1-8. What is the process (email, telephone number etc.) available to customers to report a problem or contest a bill?

**RESPONSE:**

1-9. Rate Increase: Reference: Savage Direct at 4:18 & 19, and Novak Direct at 6:17 & 18.

- a. Explain reason that Berry’s Chapel is requesting an increase that is less than half of its revenue deficiency.
- b. How long will Berry’s Chapel be able to continue to operate at a loss?

**RESPONSE:**

**1-10.** Annual Rate Adjustment: Reference: *Petition* at 2: Following this rate case, the Company intends to request an annual rate adjustment plan that will permit the Company to adjust its charges annually based on inflation.

- a. When does Berry's Chapel anticipate filing for an annual rate adjustment plan?
- b. Does Berry's Chapel expect the annual rate adjustment plan to increase rates to eliminate the deficiency?
- c. Does Berry's Chapel expect that the revenue deficiency not being requested in this docket will be a permanent deficiency?

**RESPONSE:**

**1-11.** Rate Design: Reference: *Petition* at 2 paragraph 3.

- a. Provide the revenue requirement and rate design analysis and reasoning for maintaining a rate design where the non-residential customers who account for 9% of total wastewater treatment contribute approximately 1% of revenue.
- b. Explain how the rates producing the results in a above are just and reasonable.

**RESPONSE:**

RESPECTFULLY SUBMITTED,



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Assistant Attorney General

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served via electronic mail,

upon:

Henry Walker (B.P.R. 000272)  
Bradley Arant Boult Cummings LLP  
1221 Broadway, Suite 2400  
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Tel: (615) 252-2363  
[hwalker@bradley.com](mailto:hwalker@bradley.com)

This the 12<sup>th</sup> day of June, 2026.



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RYAN MCGEHEE  
Assistant Attorney General