

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

IN RE:)
)
PETITION OF BERRY’S CHAPEL)
UTILITY FOR AN INCREASE IN ITS) **DOCKET NO. 26-00039**
RATES AND CHARGES)
)

**CONSUMER ADVOCATE’S SECOND SET OF DISCOVERY REQUESTS
TO BERRY’S CHAPEL UTILITY.**

This Second Set of Discovery Requests is hereby served upon Berry’s Chapel Utility, Inc. (“Berry’s 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 Tennessee Attorney General’s Office (“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, 500 Dr. Martin L. King Jr. Blvd., Nashville, Tennessee 37243, c/o Ryan McGehee, on or before July 15th, by 2:00 p.m. (CDT).

PRELIMINARY MATTERS AND DEFINITIONS

This Second Set of Discovery Requests incorporates by reference the same Preliminary Matters and Definitions as outlined in the Consumer Advocate’s First Discovery Request to Berry’s Chapel, are to be considered continuing in nature, and are to be supplemented from time to time as information is received by the Company which would make a prior response inaccurate, incomplete, or incorrect.

SECOND SET OF DISCOVERY REQUESTS

2-1. Reference: Response to CAD DR 1-1(b) - (c). The response includes the following:

b. Confirmed. The original maturity date of the loan in the “Debt-5” tab is April 12, 2014. However, refer further to the Judgment from the Williamson County Chancery Court of May 22, 2015 shown on the “Debt-6” tab of the workpapers, and note the following paragraphs.

1A. That the Trustee is the holder of an Amended Promissory Note dated April 20, 2009 in the principal amount of \$1,200,000 and issued by the predecessor to BCUI (the “2009 Note”) and of a Renewal Promissory Note dated December 12, 2011 in the principal amount of \$250,000 and issued by BCUI (the “2011 Note), both secured by the deed of trust described in paragraph 8 of the Complaint.

5. The Court finds, consistent with the above, and based on the record before it, that no genuine of material fact exists as to any material fact and that the Trustee is entitled to a judgment as a matter of law. Consistent with the findings, the Court hereby GRANTS JUDGMENT in favor of the Trustee, and against BCUI, in the amount of \$1,742,692.92 plus \$384.71 per day from March 31, 2015 through the date this judgment is entered, plus \$14,433.20 in attorney’s fees and costs. All court costs are taxed against BCUI.

In summary, the original loans included on the “Debt-4” tab and “Debt-5” tab have been converted to judgments by the Williamson County Chancery Court with no maturity date.

c. The original loans included on the “Debt-4” tab and “Debt-5” tab have been converted to judgments by the Williamson County Chancery Court with no maturity date.

In light of the Company’s Response to CAD DR 1-1, provide the following:

- a. Explain how the judgment above is interpreted as a loan at 9.95% with no maturity date.
- b. Explain the plan to retire the debt.
- c. Explain how this plan is in the best interest of rate payers.
- d. Has Berry’s Chapel explored other options for paying the judgment? If so, what has been explored and what were the results?

RESPONSE:

2-2. Reference: Responses to CA DRs 1-9(b) and 1-10. The responses include:

1-9b. After this rate case, Berry's Chapel will reevaluate its earnings and decide when to file its next rate case. At this time, no decision has been made about this timeline.

1-10a. T.C.A. § 65-5-103(d)(6)(B) requires that a utility must have engaged in a general rate case pursuant to § 65-5-101 and subsection (a) within the last five years to be eligible to make an election to opt into an annual rate review. At this time, Berry's Chapel Utility intends to file for a rate adjustment plan shortly after this current rate case concludes.

In light of the Company's Responses to CAD DR 1-9b and 1-10a, provide the following:

- a. An estimate of the rate case costs for Berry's Chapel.
- b. An estimate of the costs associated with a rate adjustment plan filing.

RESPONSE:

RESPECTFULLY SUBMITTED,



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TPUC Docket No. 26-00039
CA's Second DR to Berry's Chapel

CERTIFICATE OF SERVICE

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

upon:

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This the 30th day of June, 2026.



RYAN MCGEHEE
Assistant Attorney General