

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE:

PETITION OF CHATTANOOGA
GAS COMPANY TO CHANGE AND
INCREASE CERTAIN RATES AND
CHARGES ...

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DOCKET NO. 04-00034

**CHATTANOOGA MANUFACTURERS ASSOCIATION'S SUPPLEMENTAL
RESPONSES AND OBJECTIONS TO CHATTANOOGA GAS COMPANY'S
FIRST SET OF DATA REQUESTS**

Pursuant to *Rules 26, 33 and 34 of the Tennessee Rules of Civil Procedure* and *Tennessee Code Annotated §4-5-301, et seq*, the Chattanooga Manufacturers Association's Intervention Group (hereinafter "CMA"), by and through its attorneys, subject to and without waiving all objections previously stated in its responses served May 5, 2004, and raised at the status conference hearing on May 10, 2004, submits the following Supplemental Responses to the First Set of Data Requests from Chattanooga Gas Company (the "Company") propounded upon CMA, stating as follows:

1. Please provide the name, address, telephone number and name of the president or other comparable officer of each member of the CMA.

Supplemental Response No. 1: See attached, marked confidential.

2. Please provide a copy of the organizational document creating the CMA, e.g., the Charter or Articles of Organization.

Supplemental Response No. 2: See attached.

3. Please provide a copy of the Bylaws of CMA or other comparable documents pertaining to governance.

Supplemental Response No. 3: See attached, marked confidential.

4. Please describe how CMA determines what positions it will take in the Chattanooga Gas Company rate proceeding, TRA Docket No. 04-00034. Your description should include whether all the members vote on what positions are taken or whether this authority is delegated to others.

Supplemental Response No. 4: In addition to CMA's prior response and in accordance with Hearing Officer Collier's ruling, see the attached list of Directors for CMA. The list further identifies the Officers and Staff of CMA.

15. Produce copies of all stipulations or settlement agreements entered into by the Chattanooga Manufacturers Association in any proceeding before the Tennessee Regulatory Authority since 1996.

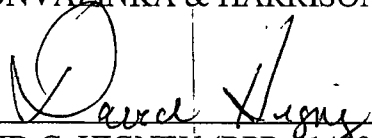
Supplemental Response No. 15: CMA does not possess copies of the transcripts of hearings in which it appeared before the Tennessee Regulatory Authority since 1996, but CMA acknowledges that it may have stipulated to fact(s) or proposal(s) during one or more of those hearings. CMA did not settle the following contested cases in which it was involved: 03-00118 and 97-0982.

21. Please provide the name, employer, position/title, business address and telephone number of any witness(es) that will testify on behalf of CMA in this docket.

Supplemental Response No. 21: As indicated during the status conference, who CMA will call as witness(es) cannot be determined and depends upon when the hearing date is set for this matter.

GRANT, KONVALINKA & HARRISON, P.C.

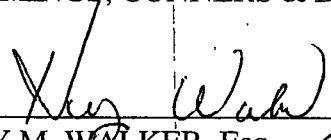
By: _____


DAVID C. HIGNEY (BPR #14288) 
633 Chestnut Street, 9th Floor
Chattanooga, Tennessee 37450
423-756-8400

- and -

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: _____


HENRY M. WALKER, Esq. 
414 Union Street, Suite 1600
Nashville, Tennessee 37219
615-244-2582

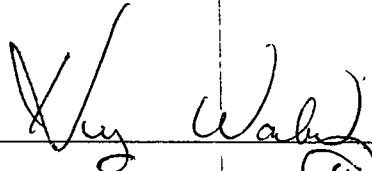
CERTIFICATE OF SERVICE

I hereby certify that I have on this 17th day of May, 2004, served the foregoing pleading either by fax, overnight delivery service or first class mail, postage prepaid, to all parties of record at their addresses shown below

D Billye Sanders, Esq.
Waller, Lansden, Dortch & Davis, PLLC
Nashville City Center
511 Union Street, Suite 2100
Nashville, Tennessee 37219-1760

Vance Broemel, Asst Attorney General
Tim Phillips, Asst Attorney General
Office of Attorney General
Consumer Advocate and Protection Division
P O Box 20207
Nashville, Tennessee 37202

Dale Grimes, Esq
Bass, Berry & Sims, PLC
AmSouth Center, Suite 2700
315 Deaderick Street
Nashville, Tennessee 37238


_____ 

STATE OF TENNESSEE.

CHARTER OF INCORPORATION.

Be it known, THAT G. W. Howard, Z. W. Wheeler, W. H. Talbott, C. D. Mitchell, and W. T. Tyler, are hereby constituted a body politic and corporate by the name and style of.

CHATTANOOGA MANUFACTURERS' BOARD OF TRADE, for the purpose of carrying on and supporting a board of trade in connection with the manufacturing business of Chattanooga and vicinity, and said corporation having for its object to secure by a membership, representing as many as possible of the manufacturing industries in Chattanooga and vicinity, the welfare and best development of its manufacturing interests, by promoting better acquaintance among members and developing a social and mutual interest which will advance and extend the business of its various manufacturers, said objects to be promoted, if desired, by serving refreshments to members and their invited guests, as well as by other methods.

§1. Said Corporation is also empowered and authorized, as provided by the acts of 1897, Chapter 88, to borrow money to be used in payment of property bought by it and erecting buildings, making improvements and for other purposes germane to the objects of its creation, and to secure the repayment of the money thus borrowed by mortgage, pledge or deed of Trust upon such property real, personal or mixed, as may be owned by it and it may in like manner secure by mortgage, pledge or Deed of Trust, any existing indebtedness which it may have lawfully contracted.

The general powers of said corporation shall be to sue and be sued by the name of said corporation, and use a common seal, which shall be affixed to all papers, if any be required, and the signature of the name of the corporation by any duly authorized officers shall be legal and binding, to purchase and hold real and personal property, to execute in relation to the personal property owned by said corporation, receipts and bills of lading, and to execute in relation to the real estate owned by said corporation, accept any real estate in payment of its debt, to make all rules and regulations for the management of its business, and to appoint such subordinate officers and agents in each county as it may deem proper, and the business of the corporation may require, designate the name of the same, and fix the compensation of the officers.

Three and five or more incorporators shall within six months after the date of the filing of this charter in the office of the Secretary of State, elect from their number a President, Secretary and Treasurer, and the officers shall hold office until their successors are chosen.

Every incorporator shall be a resident of the State of Tennessee, and shall be a citizen of the United States, and shall be at least twenty-one years of age at the time of the filing of this charter in the office of the Secretary of State.

The Board of Directors may have the power to increase the number of Directors from seven to ten, if they deem the interest of the corporation requires such increase. And the first or any subsequent Board of Directors may have the power to elect other members, who, on acceptance of membership, shall become corporations equally with the original corporations. The Board of Directors shall have the right to determine what amount of money paid into the treasury shall be a prerequisite for membership, or, if necessary, what amount shall be thus annually paid, and failure thus to pay shall, in the discretion of the Directors, justify the expulsion of said defaulting members. The term of all officers may be fixed by the by-laws, the said term not, however, to exceed three years. All officers hold over, until their successors are duly elected and qualified.

The general welfare of society, not individual profit, is the object for which this charter is granted, and hence the members are not stockholders in the legal sense of the term, and no dividends or profits shall be divided among the members. The members may at any time voluntarily dissolve the corporation by a conveyance of its assets and property to any other corporation holding a charter from the State for the purposes not of individual profit, first providing for corporate debts.

A violation of any of the provisions of this charter shall subject the corporation to dissolution at the instance of the State.

This charter is subject to modification or amendment, and in case said modification or amendment is not accepted, corporate business is to cease, and the assets and property, after payment of debts, are to be conveyed, as aforesaid, to some other corporation holding a charter for purposes not connected with individual profit. Acquiescence in any modification thus declared shall be determined in a meeting specially called for that purpose, and only those voting in favor of the modification shall thereafter compose the corporation.

The means, assets, income or other property of the corporation shall not be employed directly or indirectly for any other purpose whatever than to accomplish the legitimate objects of its creation, and by no implication shall it possess the power to issue notes or currency, deal in currency, notes or coin, buy or sell products, or engage in any kind of trading operation, nor hold any more real estate than is necessary for legitimate purposes.

Expulsion shall be the only remedy for the nonpayment of dues by the members, and there shall be no individual liability against the members for corporate debts, but the entire corporate property shall be liable for the claims of creditors.

We, the undersigned, apply to the State of Tennessee, by virtue of the laws of the land, for a Charter of Incorporation for the purposes and with the powers, etc., declared in the foregoing instrument.

This 3rd day of August, 1909.

Chas W. Howard.
Z. W. Wheeland.
P. H. Caldwell.
C. N. Mitchell.
W. T. Tyler.

STATE OF TENNESSEE, COUNTY OF HAMILTON: Personally appeared before me, W. P. Hays, Clerk of the County Court of the County and State aforesaid, W. T. Tyler, one of the within named incorporators, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purpose therein contained. Witness my hand, at office, this 4 day of August, 1909.

W. P. Hays, Clerk.
By-P. J. Malligan, Dep. Clerk.

STATE OF TENNESSEE, COUNTY OF HAMILTON: Before me, W. P. Hays, Clerk of the County Court of the County and State aforesaid, Personally appeared Z. T. Tyler, subscribing witness to the within application for charter, who being first duly sworn, deposed and said, That he is acquainted with C. W. Howard, Z. W. Wheeland, P. H. Caldwell, and C. N. Mitchell, the incorporators therein named and that they acknowledged the same in his presence, to be their act and deed upon the day it bears date. Witness my hand and official seal, at office, this 4 day of August, 1909.

W. P. Hays, Clerk.
By-P. J. Malligan, Dep. Clerk.

STATE OF TENNESSEE, HAMILTON COUNTY: The above Charter and certificate were filed Aug 4, 1909, at 11:30 A. M. Entered in Note Book No. 13, page 72, and recorded in Book Y, volume 3, page 33 at seq. Witness my hand at office in Chattanooga, Tenn.

A. G. Carroll, Register.
Thos Byrne, Dept. Reg.

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Gas Co, 1st Data Requests
TRA Docket #04-00034
May 17, 2004
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AMENDMENT TO CHARTER OF INCORPORATION

At a meeting of the Board of Governors of Chattanooga Manufacturers Home Company, a corporation duly organized and existing under and by virtue of the laws of the State of Tennessee relating to corporations organized for the general welfare of society and not for individual profit, which meeting was duly called and held in the City of Chattanooga, County of Hamilton, State of Tennessee, on the 14th day of September, 1966, the following resolution was duly adopted, setting forth a proposed amendment to the charter of incorporation of said corporation, declaring its advisability, and referring a decision thereon to a vote of all of the members of said general welfare corporation, said resolution being as follows:

RESOLVED, that the Charter of Incorporation of Chattanooga Manufacturers Home Company shall be amended by changing the name of said corporation to be

CHATTANOOGA MANUFACTURERS ASSOCIATION

FURTHER RESOLVED, that the Board of Governors of the said general welfare corporation declares the advisability of the above proposed amendment to the Charter of Incorporation, and refers the same to the members of the said general welfare corporation entitled to vote for the consideration thereof, for the purpose of considering and voting upon the adoption thereof, said vote to be evidenced by written ratification of the action of the Board of Governors in so changing the name of said general welfare corporation to Chattanooga Manufacturers Association.

Pursuant to and in conformity with referral of said proposed amendment to the members of the said general welfare corporation, all of the members of said general welfare corporation voted in favor of said amendment. Thereupon the Board of Governors of said general welfare corporation has authorized the President and

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CHATTANOOGA MANUFACTURERS ASSOCIATION

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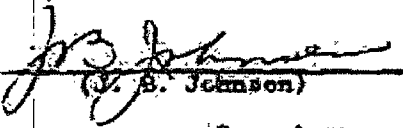
Secretary of the corporation to execute this certificate accordingly.

NOW, THEREFORE, WE HEREBY CERTIFY to the foregoing to the end that this certificate may be duly filed and recorded in the office of the Secretary of State of the State of Tennessee and in the office of the County Register of Hamilton County, Tennessee, within which county the corporation has its principal office; and on behalf of said corporation do hereby apply to the State of Tennessee for an amendment to the charter of said corporation for the purposes therein shown.

WITNESS our hands this 14th day of September, 1966.


(James B. Robinson)

President


(J. B. Johnson)

Secretary

STATE OF TENNESSEE)
COUNTY OF HAMILTON)

Personally appeared before me, a Notary Public in and for the State and County aforesaid, JAMES B. ROBINSON and J. B. JOHNSON, with whom I am personally acquainted, and who made oath before me in due form of law that James B. Robinson is the President and J. B. Johnson is the Secretary of Chattanooga Manufacturers Home Company, and that the statements contained in the foregoing certificate are true.

In Witness Whereof, I have hereunto set my hand and seal of office in Hamilton County, Tennessee, this 14th day of September, 1966.


Notary Public

My commission expires My Commission Expires Oct. 3, 1967

May 14 04 02:44p

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I, JOE C. GARR, Secretary of State, do hereby certify
that this amendment to charter, with certificate attached, the
foregoing of which is a true copy, was this day registered and
certified to by me.

This the 1st day of October, 1966.

JOE C. GARR,
SECRETARY OF STATE

FEE: \$10.00

FILED
SECRETARY OF STATE
1984 DEC -5 PM 4:05

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ARTICLES OF AMENDMENT TO THE CHARTER
OF

Chattanooga Manufacturers Association

CHANGING THE PRINCIPAL OFFICE

Pursuant to the provisions of Section 48-303 of the Tennessee General Corporation Act, the undersigned corporation adopts the following articles of amendment to its charter:

1. The name of the corporation is:

Chattanooga Manufacturers Association

2. The amendment adopted is:

The address of the principal office of the corporation

in the State of Tennessee shall be:

Street: 1001 MARKET STREET

City: CHATTANOOGA

Zip Code: 37402

County: HAMILTON

3. The amendment was duly adopted (at a meeting) (by the unanimous written consent) of the directors on 11-12, 19 84.
(Strike inapplicable words.)

4. The amendment is to be effective when filed by the Secretary of State, unless otherwise stated (not later than thirty (30) days after such filing).

Dated: Nov 30, 19 84

Chattanooga Manufacturers Association
Name of Corporation

By: Wesley H. Stampen
Signature

President
Title

Filing Fee of \$10.00 required, in addition to annual report fee.