

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

October 24, 2006

In re: Petition of Chattanooga Gas Company for)
Approval of Adjustment of Its Rates and Charges,)
Comprehensive Rate Design Proposal, and Revised)
Tariff)

Docket No. 06-00175

**CHATTANOOGA MANUFACTURERS ASSOCIATION'S OBJECTIONS TO
CHATTANOOGA GAS COMPANY'S
FIRST SET OF DISCOVERY REQUESTS**

Pursuant to the October 12, 2006 Second Order Modifying Procedural Schedule, the Chattanooga Manufacturers Association ("CMA"), by and through its attorneys, submits the following objections to the First Set of Discovery Requests from Chattanooga Gas Company (the "Company") propounded upon CMA. CMA has set forth its objections generally applicable to the Company's requests in Part I, and specific objections to Company discovery requests in Part II.

GENERAL OBJECTIONS

1. CMA objects to the definitions and instructions contained in the discovery requests for production to the extent that the definitions and instructions attempt to impose on CMA a burden or obligation greater than that required by the *Tennessee Rules of Civil Procedure* and applicable statutes and regulations governing contested case hearings.

2. CMA objects to the discovery requests to the extent they call for information and the production of documents which are protected from disclosure by the attorney-client privilege, the attorney work product doctrine or any other applicable privilege or protection. CMA objects to the Company's discovery requests to the extent that the Company is attempting to impose on

CMA obligations with regard to identification of privileged documents beyond those required by the *Tennessee Rules of Civil Procedure* and applicable statutes and regulations governing contested case hearings.

3. CMA objects to the Company's discovery requests to the extent that they seek information to matters not at issue in this litigation or to the extent they are not reasonably calculated to lead to the discovery of admissible evidence. By providing information in response to these requests, CMA does not concede that such information is relevant, material or admissible in evidence. CMA reserves all rights to object to the use of such information as evidence.

4. CMA objects to the Company's discovery requests to the extent that the Company is attempting to impose on CMA obligations to supplement its responses beyond those required by the *Tennessee Rules of Civil Procedure* and applicable statutes and regulations governing contested case hearings.

5. CMA objects to the Company's discovery requests to the extent that the Company is attempting to require CMA to provide information and produce documents beyond those in its possession, custody or control as that phrase is used in the *Tennessee Rules of Civil Procedure* and applicable statutes and regulations governing contested case hearings.

6. CMA objects to the Company's discovery requests to the extent that they seek information and documents that are readily available through public source or are in the Company's own possession, custody or control. It is unduly burdensome and oppressive to require CMA to respond or produce documents that are equally or more available to the Company.

7. CMA objects to the production of any documents prepared by it subsequent to the filing of this litigation or contested case.

8. CMA's objections and responses to these requests are based on information now known to it. CMA reserves the right to amend, modify or supplement its objections and responses if it learns of new information.

ADDITIONAL OBJECTIONS TO SPECIFIC DISCOVERY REQUESTS

Subject to and without waiving any of the objections stated above, CMA responds to the specific discovery requests as follows:

Company Request No. 2: Identify each person whom you expect to call as an expert witness at any hearing in this docket, and for each such expert witness:

- a) identify the field in which the witness is to be offered as an expert;
- b) provide complete background information, including the expert's current employer as well as his or her educational, professional and employment history, and qualifications within the field in which the witness is expected to testify, and identify all publications written or presentations presented in whole or in part by the witness;
- c) provide the grounds (including without limitation any factual basis), for the opinions to which the expert is expected to testify, and provide the summary of grounds of such opinion;
- d) identify any matter in which the expert has testified (through deposition or otherwise), by specifying the name, docket number and forum of each case, the dates of the prior testimony and the subject of the prior testimony, and identify the transcripts of any such testimony;
- e) identify the terms of the retention or engagement of each expert including but not limited to the terms of any retention or engagement letters or agreements relating to his/her engagement, testimony, and opinions as well as the compensation to be paid for the testimony and opinions;
- f) identify all documents or things relied upon or prepared by any expert witness, which are related to the witness(es)' expected testimony in this case, whether or not such documents are supportive of such testimony, including without limitation all documents or things provided to that expert for review in connection with the testimony and opinions; and
- g) identify any exhibits to be used as a summary of or support for the testimony or opinions provided by the expert.

Objection: CMA further objects to Company Request No. 2 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and duplicative and that, at least in part, it is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, CMA objects to Company Request No. 2 to the extent that it encroaches upon the attorney-client privilege and/or seeks the mental impressions and conclusions of CMA attorneys, which are privileged and will not be provided.

Subject to and without waiving the objections, CMA intends to continue the generally accepted practice of providing to the Company a list of all prior proceedings in which CMA's expert witness has provided testimony pertaining to a regulated utility.

Company Request No. 3: Provide all material relied upon or produced by any witness for the CMA or any expert or consultant retained by the CMA to testify or to provide information from which another expert will testify concerning this case, including all work papers, reference sources, financial information, discovery responses, e-mails and other materials. Please produce working Microsoft Excel files for all work papers and exhibits.

Objection: CMA further objects to Company Request No. 3 on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, and that the request is overbroad, unduly burdensome, vague, ambiguous, duplicative, and as seeking confidential, proprietary or trade secret information. Additionally, CMA objects to Company Request No. 3 to the extent that it clearly encroaches upon the attorney-client privilege and/or seeks the mental impressions and conclusions of CMA attorneys, which are privileged and will not be provided.

Subject to and without waiving these objections, CMA will provide all work papers and other non-privileged material relied upon by CMA's witnesses.

Company Request No. 4: Produce a copy of all articles, journals, books or speeches written or co-written by any CMA expert witness, whether published or not.

Objection: CMA further objects to Company Request No. 4 on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, and that the request is overly broad and unduly burdensome, vague and ambiguous and seeking documents in the public domain.

Subject to and without waiving these objections, CMA will provide a list of all publications written or co-written by its expert witness.

Company Request No. 5: State each fact you rely on to support your contentions and requests for relief in this case.

Objection: See objections to No. 3, above.

Without waiving these objections, CMA will respond that the facts supporting CMA's contentions are set forth in CMA's testimony and exhibits.

Company Request No. 6: Identify all persons known to you, your attorney, or other agent who have knowledge, information or possess any document(s) or claim to have knowledge, information or possess any document(s) which support each fact you rely on to support your contentions and requests for relief in this docket.

Objection: CMA further objects to Company Request No. 6 to the extent that it clearly encroaches upon the attorney-client privilege and/or seeks the mental impressions and conclusions of CMA attorneys, which are privileged and will not be provided. Additionally, CMA objects to Company Request No. 6 to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence, and on the grounds that it is overly

broad, unduly burdensome, vague and ambiguous, and/or seeks information in the public domain.

Subject to these objections, CMA will respond that its three witnesses have, collectively, knowledge of each of the facts that CMA intends to rely on in support of CMA's request for relief.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing is being forwarded via email and U.S. mail, postage prepaid, to:

Steve L. Lindsey
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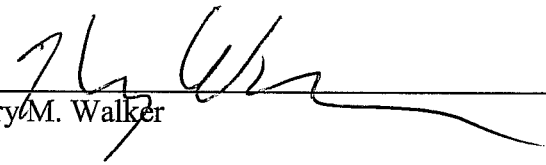
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on this the 24 day of October, 2006.



Henry M. Walker