

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

2006 OCT 30 AM 10:30

T.R.A. DOCKET ROOM

IN RE:)
)
PETITION OF CHATTANOOGA GAS)
COMPANY FOR APPROVAL OF) DOCKET NO. 06-00175
ADJUSTMENTS OF ITS RATES AND,)
CHARGES, COMPREHENSIVE RATE)
DESIGN PROPOSAL, AND REVISED)
TARIFF)

**RESPONSE OF THE CONSUMER ADVOCATE AND PROTECTION DIVISION OF
THE OFFICE OF THE ATTORNEY GENERAL OF TENNESSEE TO CHATTANOOGA
GAS COMPANY'S OBJECTION TO DISCOVERY**

The Consumer Advocate respectfully submits this response to the Company's objection to the Consumer Advocate's second discovery request number 19. Also, the Consumer Advocate reports the current status of its objections to the Company's discovery requests.

The Consumer Advocate's Second discovery request number 19 is the following: "Provide the dividend growth rate for each of the 1800 companies Dr. Morin listed in his response to CAPD request in 27 in a working excel file and provide such data from the "VLIA 06/2006 Edition" cited by Dr. Morin in his direct testimony before the Authority." The Company objected that the request seeks information protected by copyright laws.

The dividend growth rates for the companies that Dr. Morin analyzed are relevant to the issues in this case, and therefore the request is reasonably calculated to lead to the discovery of admissible evidence. Because there are 1800 companies in the analysis, the Consumer Advocate needs the information in an excel format, the same format in which Dr. Morin conducted his analysis,

in order to have the information in a format that can be used. The Company's proposal to provide the information in paper form does not provide the information in a format that can be used. The Consumer Advocate will use the information provided in the excel format only for the purpose of this litigation and not for any commercial purpose. In the context of litigation, parties frequently are required to provide copies of documents that have some type of copyright protection. The discovery request is valid, and the Company should provide the information as the Consumer Advocate requested. Also, if the hearing officer orders the discovery request, it should not be a violation of any copyright to comply with a valid order made by a duly appointed hearing officer of the Tennessee Regulatory Authority.

If it is determined that the copyright argument is a valid basis for objecting to the discovery request, which the Consumer Advocate does not concede, the Consumer Advocate proposes as an alternative that the Company be required to produce the information requested in the following format:

Company Name *** Dividend Growth Rate ??? Stock Ticker ####F Or ####H

Company Name *** Dividend Growth Rate ??? Stock Ticker ####F Or ####H

Company Name *** Dividend Growth Rate ??? Stock Ticker ####F Or ####H

Etc.

F and H stand for forecasted or historical, respectively. The symbols are separators that place the information in a form that can be used after scanning the hard copy. The double spacing between the rows of information is for the purpose of accurate scanning. Also for the purpose of accurate scanning, the Consumer Advocate proposes that the information be provided in 16 point courier font. This format would allow the Consumer Advocate to scan the information and transform it into a form

that would be usable.


Regarding the Consumer Advocate's objections to the Company's discovery requests numbers 1 through 7, the parties previously resolved the Company's similar objections to the Consumer Advocate's similar discovery requests. The Consumer Advocate will answer the Company's discovery requests using the same parameters that the Company agreed to use in responding to the Consumer Advocate's discovery requests.

The Consumer Advocate objected to nine other discovery requests submitted by the Company, and as of the signing of this document, the Consumer Advocate has not received notice from the Company that any of the objections are in dispute. Therefore, the Consumer Advocate relies on its undisputed objections, and the Consumer Advocate does not waive or compromise any of these objections.

RESPECTFULLY SUBMITTED,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on parties below via U.S. Mail, On October 30, 2006:

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