

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

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In re: Petition of Tennessee Wastewater Systems, Inc. to Amend its Certificate of Convenience and Necessity.)
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Docket No. 06-00259

**STARR CREST RESORT II and USSERY #1'S FIRST ROUND OF DISCOVERY
TO
TENNESSEE WASTEWATER SYSTEMS, INC.**

Starr Crest Resort II (Starr Crest) and Ussery #1 (the "Company") hereby serves the following discovery requests to The Tennessee Wastewater Systems, Inc. ("TWS").

DEFINITIONS

1. The term "person" means any natural person, corporation, corporate division, partnership, other unincorporated association, trust, government agency, or entity.
2. The term "document" shall have the broadest possible meaning under applicable law. "Document" means every writing or record of every type and description that is in the possession, custody or control of the Company, including, but not limited to, correspondence, memoranda, drafts, workpapers, summaries, stenographic or handwritten notes, studies, publications, books, pamphlets, reports, surveys, minutes or statistical compilations, computer and other electronic records or tapes or printouts, including, but not limited to, electronic mail files; and copies of such writings or records containing any commentary or notation whatsoever that do not appear in the original. The term "document" further includes, by way of illustration and not limitation, schedules, progress schedules, time logs, drawings, computer disks, charts, projections, time tables, summaries of other documents, minutes, surveys, work sheets, drawings, comparisons, evaluations, laboratory and testing reports, telephone call records, personal diaries, calendars, personal notebooks, personal reading files, transcripts, witness statements and indices.
3. The term "referring or relating to" means consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.

4. "And" and "or" as used herein shall be construed both conjunctively and disjunctively and each shall include the other whenever such construction will serve to bring within the scope of these discovery requests any information that would otherwise not be brought within their scope.

5. "Affiliate" or "affiliated" means an entity that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, another entity.

6. "Identify" or "identifying" or "identification" when used in reference to a document means to provide with respect to each document requested to be identified by these discovery requests a description of the document that is sufficient for purposes of a request to produce or a subpoena duces tecum, including the following:

- a) the type of document (e.g., letter, memorandum, etc.);
- b) the date of the document;
- c) the title or label of the document;
- d) the Bates number or other identifier used to number the document for use in litigation;
- e) the identity of the originator;
- f) the identity of each person to whom it was sent;
- g) the identity of each person to whom a copy or copies were sent;
- h) a summary of the contents of the document;
- i) the name and last known address of each person who presently has possession, custody or control of the document; and
- j) if any such document was, but is no longer, in your possession, custody or control or is no longer in existence, state whether it: (1) is missing or lost; (2) has been destroyed; or (3) has been transferred voluntarily or involuntarily, and, if so, state the circumstances surrounding the authorization for each such disposition and the date of such disposition.

GENERAL INSTRUCTIONS

1. If you contend that any response to any data request may be withheld under the attorney-client privilege, the attorney work product doctrine or any other privilege or basis, please state the following with respect to each such response in order to explain the basis for the claim of privilege and to permit adjudication of the propriety of that claim:

- a) the privilege asserted and its basis;
- b) the nature of the information withheld;
- c) the subject matter of the document, except to the extent that you claim it is privileged.

RESPONSE:

2. These discovery requests are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These discovery requests are intended to include requests for information, which is physically within your possession, custody or control as well as in the possession, custody or control of your agents, attorneys, or other third parties from which such documents may be obtained.

3. If any data request cannot be answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.

4. For each data request, provide the name of the company witness(es) or employee(s) responsible for compiling and providing the information contained in each answer.

RESPONSE:

DISCOVERY REQUESTS

1. What did you think the cabins in question were being built for when you contracted with the Petitioners to provide them wastewater treatment? What were they represented to be built for Mr. Ussery or anyone else connected with Mr. Ussery?

RESPONSE:

2. Are flow rates of effluent figured differently if property is residential as opposed to any other classification? Is so, how?

RESPONSE:

3. What are the flow numbers for effluent for each unit in Starr Crest and Ussery #1? Provide the documents from the period May 1, 2006 to April 30, 2007.

RESPONSE:

4. At what rates do these Intervenor pay to Tennessee WasteWater currently?

- a.) Can a customer or Tennessee WasteWater go over the daily/weekly/monthly capacity?
- b.) At what rate or charge will a customer pay if it goes over the capacity?
- c.) Have either of these Intervenor gone over that rate/capacity from May 1, 2006 to April 30, 2007?

RESPONSE:

5. What is your increase in cost in providing waste water treatment for these two Intervenor from May 1, 2006, to April 30, 2007 regardless of their classification?

- a.) Describe how it is figured?
- b.) Provide the documentation as to how the increase in cost is figured for these two Intervenor for the time period referenced.
- c.) To what extent will the waste water treatment costs be increased as a result of your petition, if granted?

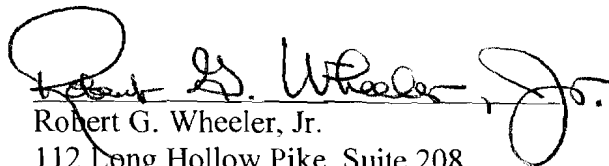
d.) How is that justified if the flow rates of effluent stay the same?

RESPONSE:

6. Provide the flow rates of effluent for the other Intervenor in this case for their individual units for the time period of May 1, 2006 to April 30 2007.

RESPONSE:

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert G. Wheeler, Jr.", is written over a horizontal line.

Robert G. Wheeler, Jr.
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