

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

IN RE:	*	
	*	
PETITION OF TENNESSEE-	*	DOCKET NO. 06-00290
AMERICAN WATER COMPANY TO	*	
CHANGE AND INCREASE CERTAIN	*	
RATES AND CHARGES...	*	

**THE CHATTANOOGA MANUFACTURERS ASSOCIATION'S MOTION TO COMPEL
TENNESSEE AMERICAN WATER COMPANY TO PROVIDE APPROPRIATE &
COMPLETE RESPONSES TO CMA's FIRST ROUND OF DISCOVERY REQUESTS**

The Chattanooga Manufacturers Association ("CMA"), by and through counsel, respectfully moves to compel the Tennessee American Water Company ("TAWC" or the "Company") to provide an appropriate and complete answer to each and every discovery requests promulgated by CMA on January 23, 2007.

CMA's discovery requests were limited in scope, and focused upon identifying the information upon which TAWC and its witnesses seek to justify the proposed, nearly-20% rate increase. CMA seeks to obtain the information that TAWC claims forms the basis for the increase; information that reveals flaws in those claims or that TAWC may have failed to adequately consider; the documents that relate to and the persons having knowledge of the basis for the petitioned increase in such an exorbitant amount.

CMA is disappointed that so many objections have been raised relative to the straightforward searches for the most basic information regarding the petitioner's positions and opinions as taken in its pre-filed direct testimony. Petitioner had months to craft and submit its case, exhibits and testimony. CMA had days from the grant of its motion to intervene to submit its data requests, only to be subsequently stone-walled by many of the Company's responses. The schedule established in this case only allows mere weeks for intervening parties to identify

revealing information that may be detrimental to TAWC's case. Knowing that delay works to the Company's advantage in this regard, evasive and incomplete responses by TAWC should not be tolerated.

The Company has raises general, boilerplate objections that CMA's questions are "vague" or "overly broad" a combined twenty (20) times. The Company objects to almost the entire set of definitions that CMA instructed be used. Multiple times the Company sees fit to answer what it wants, rather than the questions asked. Examples include, but are not limited to:

(a) the Company advises in Response 3 that "much of the information" has been given without articulating what TAWC has (or has not) provided;

(b) In Response 4, TAWC simply ignores its duty to respond to the entire question and produce affiliate/parent company information concerning or relating to 2006 financial information of the Company. Clearly, if those affiliated entities have such information and provide it to others, the information had its genesis and/or originated with TAWC. If it is in the Company's possession, the information must be revealed.

(c) In Response 5, TAWC clearly knows but does not say what page of what document(s) it has reported the requested information. Such a strategic method by a monopoly, which recovers its rate case costs through consumer rate increases, should not be condoned.

(d) TAWC misread CMA Requests 11 through 14. Questions 11 and 13 concern the evolution of debt and equity by TWAC and its affiliates. Questions 12 and 14 concern the process by which the Company and its affiliates access debt and equity.

Due to the time constraints imposed by the dual-track discovery schedule, CMA has not had an opportunity to set forth with specificity each and every argument as to how the Company

has not responded completely and appropriately to the data requests. CMA will further present such arguments at the February 9 status conference noticed by the Hearing Office.

Based upon the foregoing, CMA respectfully requests an Order requiring TAWC to provide appropriate and complete responses to CMA's data requests.

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CERTIFICATE OF SERVICE

I hereby certify that I have on this 8th day of February, 2007, served the foregoing Motion to Compel of the Chattanooga Manufacturers Association either by fax, overnight delivery service or first class mail, postage prepaid, to all parties of record at their addresses shown below:

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