

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

February 23, 2007

IN RE:

**PETITION OF TENNESSEE AMERICAN WATER
COMPANY TO CHANGE AND INCREASE CERTAIN
RATES AND CHARGES SO AS TO PERMIT IT TO
EARN A FAIR AND ADEQUATE RATE OF RETURN
ON ITS PROPERTY USED AND USEFUL IN FURNISHING
WATER SERVICE TO ITS CUSTOMERS**

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**DOCKET NO.
06-00290**

**ORDER GRANTING MOTION FOR EXTENSION OF TIME
AND MODIFYING PROCEDURAL SCHEDULE**

This matter is before the Hearing Officer upon the motion of the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate") filed on February 22, 2007 for an extension of time to file its pre-filed testimony. In considering the Consumer Advocate's motion and to accommodate the Consumer Advocate's request, the Hearing Officer has reevaluated the existing procedural schedule in light of numerous discovery disputes during the first round of discovery.

In its Motion for Extension of Time, the Consumer Advocate states that additional time is required for it to prepare its pre-filed testimony, partially as a result of discovery disputes not being resolved prior to the discovery due date of February 6, 2007. The Consumer Advocate requests that the date for filing pre-filed testimony be extended two days from February 26, 2007 to February 28, 2007. The Consumer Advocate states that the other intervenors in this docket, City of Chattanooga and Chattanooga Manufacturers Association, support the request for an extension of time and includes those intervenors in the request. Additionally, the Consumer

Advocate states that Tennessee American Water Company should also be permitted an additional two days to prepare its discovery requests, thereby moving the due date for its discovery from March 7, 2007 to March 9, 2007.

The Hearing Officer originally proposed a procedural schedule which provided for the resolution of objections to discovery in advance of discovery responses becoming due. At the request of certain parties in this docket during the Status Conference held on January 8, 2007, the Hearing Officer altered that format in the proposed procedural schedule to provide for discovery responses and objections to be filed with the Authority simultaneously and motions to compel discovery to be filed in close proximity in time to a status conference pre-scheduled to address and resolve discovery disputes.


While the format of the procedural schedule may be efficient and functional in a docket with fewer parties participating and a smaller volume of document production, the format of the existing schedule has not proven efficient or effective in preparing this docket for hearing. Additionally, as evidenced by the significant amount of time utilized in informally resolving discovery disputes during the Status Conference of February 9, 2007, it is helpful to have some additional time built into the schedule for resolving objections and motions to compel before discovery responses are due.

For these reasons, in addition to granting the Motion for Extension of Time and building additional time into the procedural schedule for the filing of pre-filed testimony and discovery, the Hearing Officer hereby modifies the procedural schedule as to the second round of discovery to provide a more efficient and effective framework within which to address potential discovery disputes. The effectiveness of this procedural schedule is dependent not only on the degree to which parties cooperate or delay in meeting the individual benchmark dates but also the spirit of cooperation and accommodation demonstrated by the parties during the discovery process. The

Hearing Officer is appreciative of the efforts of all parties to adhere strictly to the dates in the procedural schedule, the difficult task of producing a vast amount of documentation, and the preparation of motions and oral arguments in short order.

IT IS THEREFORE ORDERED THAT:

1. Consumer Advocate's Motion for Extension of Time is granted.
2. The Procedural Schedule is revised to accommodate additional time for the filing of pre-filed testimony and discovery and the Modified Procedural Schedule, attached to this Order as **Exhibit A**, is hereby adopted and is in full force and effect.



J. Richard Collier
Hearing Officer

TRA DOCKET NO. 06-00290

**MODIFIED PROCEDURAL SCHEDULE
(February 23, 2007)**

January 22, 2007	1st Round of Discovery Due
February 6, 2007	Discovery Responses and Objections Due
February 8, 2007	Motions to Compel Due
February 9, 2007	Status Conference
February 14, 2007	Supplemental Discovery Responses Due
February 28, 2007	Intervenors' Pre-Filed Testimony Due
March 9, 2007	2nd Round of Discovery Due
March 15, 2007	Discovery Objections Due
March 20, 2007	Status Conference (Parties will report on settlement talks)
March 26, 2007	2nd Round Discovery Responses Due
April 5, 2007	Company's Pre-Filed Rebuttal Testimony Due
April 10, 2007	Pre-Hearing Conference
Week of April 16, 2007	Hearing on the Merits (Subject to Panel Approval)