

**IN 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 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)	

**CONSUMER ADVOCATE'S RESPONSE TO THE COMPANY'S MOTION TO
RECONSIDER THE ORDER COMPELLING DISCOVERY**

Robert E. Cooper, Jr., the Attorney General and Reporter for the State of Tennessee, through the Consumer Advocate and Protection Division of the Office of Attorney General ("Consumer Advocate"), respectfully submits this response to Tennessee American Water Company's ("the Company's") motion to reconsider the order compelling discovery, or in the alternative, for interlocutory review of the order by the Tennessee Regulatory Authority. The Consumer Advocate respectfully opposes the motion.


The motion is unsupported by any specific source of law. There is no need for the supplemental protective order, and that order is fatally flawed in numerous ways as explained in other filings in this docket. There already is a protective order in this case, and it is sufficient.

The Company says, "The CAPD's Motion to Reconsider evidences that the CAPD has a strong preference for making discovery it obtains in this rate case, including Highly Confidential

Information related to the IPO, available for public inspection.” (Company’s motion, p. 3). This assertion by the Company is wrong. The Consumer Advocate has no such preference, and there is no basis for such an assertion. The Consumer Advocate made a legal argument about hypothetical documents that the hearing officer has misclassified as “highly confidential.” The Consumer Advocate must consider hypothetical documents, because the hearing officer has barred the Consumer Advocate from seeing actual documents. The Company’s attempt to transform a legal argument about hypothetical documents into a personal preference is wrong.

The Consumer Advocate respectfully requests denial of the Company’s motion.

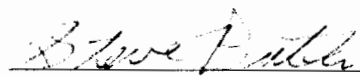
RESPECTFULLY SUBMITTED,


STEPHEN R. BUTLER B.P.R. #14772
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Dated: March 20, 2007

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or facsimile to the parties of record on March 20, 2007.


Stephen R. Butler
Assistant Attorney General

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