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March 27, 2007

## **VIA E-MAIL & FEDERAL EXPRESS**

Michael A. McMahan, Esq.

Special Counsel, City of Chattanooga

Office of the City Attorney

801 Broad Street, Suite 400

Chattanooga, TN 37402

filed electronically in docket office on 03/27/07

***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; Docket No. 06-00290***

Dear Mike:

I am writing regarding the Highly Confidential Documents filed with the TRA by Tennessee American Water Company ("TAWC") on March 9, 2007 as additional attachments to the discovery responses filed on March 8, 2007. These documents were sent to you on March 15, 2007 pursuant to the terms of the Supplemental Protective Order ("SPO") and your agreement that if the SPO is overturned or, for any reason, rendered ineffective, you will return all Highly Confidential Documents provided to you pending further orders of the Hearing Officer and/or the TRA.

The referenced documents were filed with the TRA and served on you packaged and clearly marked Highly Confidential. However, on March 22, 2007, counsel for TAWC discovered that the individual pages of the referenced documents were inadvertently not marked with bates labeling in the same format used for the March 8, 2007 production. In addition to providing a common reference to aid all parties in citing to these documents, the bates labels further highlight the Highly Confidential designation of such documents. To ensure that no confusion exists as to the designation of the additional attachments as Highly Confidential and to maintain the format used for its prior productions of Highly Confidential Documents in this docket, TAWC, pursuant to the SPO and the Protective Order, requests that you substitute the individually bates-labeled documents attached to this letter for the additional attachments filed on March 9 that were produced to you pursuant to the SPO on March 15. TAWC also requests

Michael A. McMahan, Esq.  
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that you destroy or return to TAWC any and all copies of the non-bates labeled March 9 additional Highly Confidential documents in your possession.

Please do not hesitate to contact me if you have any questions. Thank you.

Sincerely,



Ross Booher

RIB/cw  
Enclosures

cc: Frederick L. Hitchcock, Esq. (*w/o enclosure*)  
Vance Broemel, Esq. (*w/o enclosure*)  
Henry Walker, Esq. (*w/o enclosure*)  
David Higney, Esq. (*w/o enclosure*)  
Richard Collier, Esq. (*w/o enclosure*)