

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

**APRIL 4, 2007**

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*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 )*

Docket No. 06-00290

**CHATTANOOGA MANUFACTURERS ASSOCIATION'S MOTION CONCERNING  
PROTECTIVE ORDER AND CONFIDENTIAL MATERIALS**

Chattanooga Manufacturers Association ("CMA") files this Motion pursuant to Paragraphs 2, 3, 5, 6, 7, and 13 of the initial Protective Order filed in this docket on January 19, 2007, and agreed to by all parties, stating as follows:

1. In producing certain materials on Friday, March 30, 2007, it appears certain inadvertent errors or mistakes were made relative to certain materials produced by CMA. In that regard, and to the extent an order is deemed to be necessary pursuant to the Protective Order, CMA moves for an order from the Hearing Officer to effectuate the provisions and protections of said initial Protective Order.

2. More specifically, as noted in CMA's First Supplemental Responses to Tennessee American Water Company (the "Company") Request No. 16, certain materials relative to water reuse considerations regarding equipment and pricing involving Diversified Machine Products were, in fact, marked CONFIDENTIAL. The supplied materials marked CONFIDENTIAL may have been inadvertently provided, however, without being placed under seal in accordance with the terms of the Protective Order, despite being noted as CONFIDENTIAL at the time of the initial disclosure. To

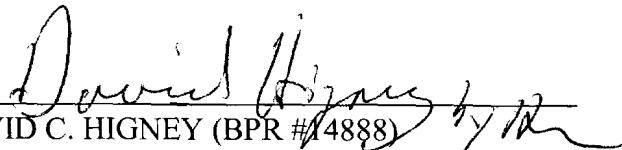
avoid any potential ambiguity CMA respectfully moves, and accordingly has already requested in its Supplemental Response No. 16 that the parties and TRA staff respectfully note the application of CONFIDENTIAL status at this time to the extent the materials are not being provided such status, that such materials be designated CONFIDENTIAL materials subject to the protection of the Protective Order. .

3. Additionally, in accordance with the terms of the Protective Order, for the purposes of this proceeding and subject to and without waiving all prior objections, CMA is advised that Koch Foods, LLC considers any information related to it or its operations, including data that may be contained in invoices or billings issued by or in the possession of the Company (or any of its affiliated databases) as being CONFIDENTIAL materials subject to the protection of the Protective Order. To avoid any potential ambiguity CMA moves, and accordingly has already respectfully requested pursuant to its Supplemental Response No. 26 that the parties and TRA staff note this application of CONFIDENTIAL status at this time to the extent the materials are not being provided such status, that such materials be designated CONFIDENTIAL materials subject to the protection of the Protective Order.

WHEREFORE, to the extent any Party might object to the confidential status or nature of the materials noted above, or to the extent any Party or the Hearing Officer believes it necessary to issue an order that such materials be designated CONFIDENTIAL materials pursuant to the initial Protective Order, CMA hereby moves for such an order to be issued as soon as practicable.

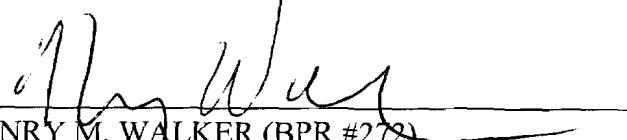
Respectfully submitted,

GRANT, KONVALINKA & HARRISON, P.C.

By:   
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- and -

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**CERTIFICATE OF SERVICE**

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

Hon. Sara Kyle Chairman Tennessee Regulatory Authority 460 James Robertson Parkway Nashville, Tennessee 37243	R. Dale Grimes, Esq. Bass, Berry & Sims, PLC AmSouth Center 315 Deaderick Street, Suite 2700 Nashville, Tennessee 37238
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BY: \_\_\_\_\_

