



## **STANDARD FOR DISCOVERY**

Tennessee has a broad policy which favors the discovery of any relevant information:

Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

Tenn. R. Civ. P. 26.02(1). Thus, evidence does not have to be admissible to be discoverable as long as the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

Today, it is through discovery rather than pleadings that the parties attempt “to find the truth and to prepare for the disposition of the case in favor of the party who is justly deserving of a judgment.” *Kuehne & Nagel, Inc. v. Preston, Skahan & Smith International, Inc.*, 2002 WL 1389615 at \*3 (Tenn. Ct. App. 2002) (*quoting* Irving Kaufman, *Judicial Control Over Discovery*, 28 F.R.D. 111, 125 (1962)). Accordingly, a party seeking discovery is entitled to obtain any information that is relevant to the case and not privileged. *See Id.* Consistent with Tennessee’s open discovery policy, the relevancy requirement is “construed broadly to encompass any matter that bears on, or that reasonably could lead to other matters that could bear on any of the case’s issues.” *Id.* Discovery therefore is not limited to the issues raised by the pleadings. *See Id., see also Shipley v. Tennessee Farmers Mutual Ins. Co.*, 1991 WL 77540 at \*7-8 (Tenn. Ct. App. 1991). A party may also use discovery to: define and clarify the issues; probe a variety of fact-oriented issues that are not related to the merits of the case; formulate and interject additional issues into the case which

relate to the subject matter of the pleadings; and determine additional causes of actions or claims which need to be or can be asserted against a party or against third parties. *See Shipley*, 1991 WL 77540 at \*7-8 (quoting *Vythoulkas v. Vanderbilt University Hospital*, 693 S.W.2d 350, 359 (Tenn. Ct. App. 1985)).

It is nonetheless recognized that the trial court may limit discovery under appropriate circumstances. Because of the broad policy favoring discovery, however, the trial court should not order limitations on discovery unless the party opposing discovery can demonstrate with more than conclusory statements and generalizations that the discovery limitations are necessary to protect the party from annoyance, embarrassment, oppression, or undue burden and expense. *See Duncan v. Duncan*, 789 S.W.2d 557, 561 (Tenn. Ct. App. 1991). The trial court should decline to limit discovery if the party opposing discovery cannot produce specific facts to support the requested limitations. *See Id.* Moreover, given the liberal construction of discovery rules, the trial court should approach any request for limitations with common sense rather than with narrow legalisms, basing the reasonableness of any ordered limitations on the character of the information sought, the issues involved, and the procedural posture of the case. *See Id.* Rather than denying discovery outright, it is appropriate for the trial court to fashion remedies to discovery issues by balancing the competing interests and hardships of the parties and by considering whether there are less burdensome means for acquiring the requested information. *See Id.*

**SPECIFIC DISCOVERY REQUESTS THAT ARE THE SUBJECT OF THIS MOTION**

**CAD FIRST REQUEST NO. 2:**

Please provide the hiring date and termination date by Company employee from June 1, 2005 through May 31, 2007.

**ATMOS RESPONSE NO. 2:**

Reference file CAPD DR1-2 ATT

**MOTION TO COMPEL NO. 2:**

Atmos's response to CAD Request No. 2 is unresponsive and incomplete. The referenced file, CAPD DR1-2 ATT, did not include the hiring date and termination date for Company 093 -- "Company 093" is the accounting ledger containing the financial information for Atmos's Tennessee operations. The term "Company" was defined to include Company 093 in CAD Request No. 1, Footnote 1, which stated: "Atmos Direct Testimony, J. Paris, P. 11, Lines 5 and 6; Schedule GW-2, Tennessee Labor; and Company 093." The Consumer Advocate needs the requested information for Company 093 in order to calculate a price-out of Tennessee labor for the Consumer Advocate's test period.

**CAD FIRST REQUEST NO. 4:**

Please provide a final Company payroll distribution by FERC account, by state jurisdiction for the twelve months ended May 31, 2007. The Company payroll distribution should equal to the total wages paid for the period.

**ATMOS RESPONSE NO. 4:**

Please see file: CAPD DR 1-01, 04 and 05 ATT

**MOTION TO COMPEL NO. 4:**

Atmos's response to CAD Request No. 4 is unresponsive and incomplete. The referenced

files, CAPD DR 1-01, 04 and 05 ATT, did not include the final Company payroll distribution by FERC account, by state jurisdiction, for Company 093, which is Tennessee operations. The term “Company” was defined to include Company 093 in CAD Request No. 1, Footnote 1, which stated: “Atmos Direct Testimony, J. Paris, P. 11, Lines 5 and 6; Schedule GW-2, Tennessee Labor; and Company 093.” The Consumer Advocate needs the requested information for Company 093 in order to calculate a price-out of Tennessee labor for the Consumer Advocate’s test period.

**CAD FIRST REQUEST NO. 5:**

Please provide the overtime hours by Company employee for the twelve months ended May 31, 2007 and for the test year ended December 31, 2006.

**ATMOS RESPONSE NO. 5:**

Please see file: CAPD DR 1-01, 04 and 05 ATT

**MOTION TO COMPEL NO. 5:**

Atmos’s response to CAD Request No. 5 is unresponsive and incomplete. The referenced files, CAPD DR 1-01, 04 and 05 ATT, did not include the overtime hours by Company employee for Company 093, which is Tennessee operations. Rather, the overtime hours were provided by cost center. The Consumer Advocate needs the requested information by Company employee for Company 093 in order to calculate a price-out of Tennessee labor for the Consumer Advocate’s test period.

**CAD FIRST REQUEST NO. 6:**

Please provide the Company payroll capitalization rate by month from June 2005 through May 2007 and for the test year ended December 31, 2006. The rates should exclude capitalized payroll transferred in from other state jurisdictions.

**ATMOS RESPONSE NO. 6:**

Refer to CAPD 1-06 ATT.

**MOTION TO COMPEL NO. 6:**

Atmos's response to CAD Request No. 6 is unresponsive and incomplete. The Company payroll capitalization rate by month was not provided for June 2005 through December 2005 and for January 2007 through May 2007, as requested. The referenced file, CAPD 1-06 ATT, included the Company payroll capitalization rate by month for only the calendar year ended December 2006. The Consumer Advocate needs the requested information for June 2005 through December 2005 and for January 2007 through May 2007 in order to calculate an appropriate capitalization rate for Tennessee labor for the Consumer Advocate's test period.

**CAD FIRST REQUEST NO. 10:**

Please provide all documentation, work papers, and calculations supporting each amount for the Test Period and the Attrition Period as shown on Company Schedule GW-2. Include in your response the allocation factors used for SSU and the Division General Office for the Test Period, the twelve months ended September 2007, the twelve months ended September 2008, the twelve months ended September 2009, and the Attrition Period.

**ATMOS RESPONSE NO. 10:**

Please see MFR #12 for support of the attrition period amounts in GW-2. Specifically, files O&M division 91,010.xls and TN Shared Services Allocation.xls. See CAPD DR 1-10 ATT Calendar support.xls for test period support. Amounts for the twelve months ended September 2009 do not exist.

Please see JCC-3 page 1 and DR1-12 for allocation factor support.

**MOTION TO COMPEL NO. 10:**

Atmos's response to CAD Request No. 10 is unresponsive and incomplete. The Attrition Period information presented in MFR #12 is not in the same format or on the same basis as the Test

Period information presented in Atmos's response to CAD Request No. 10. The Consumer Advocate needs the requested information for the Test Period and Attrition Period to be in the same format and on the same basis in order to identify variances in expense categories from the Test Period to the Attrition Period. The Consumer Advocate desires to conduct such variance analyses in order to help determine the reasonableness of the expenses forecasted for the Attrition Period. Because the Test Period data and the Attrition Period data are not in the same format or on the same basis, comparing the Test Period data from Atmos's response to CAD Request No. 10 with the Attrition Period data from MFR #12 would be like comparing "apples and oranges." The Consumer Advocate does not have a preference with respect to the format and basis provided by Atmos so long as the requested data for both the Test Period and the Attrition Period are provided in the same format and on the same basis.

**CAD FIRST REQUEST NO. 17:**

Please provide the amounts allocated to Tennessee from the Division General Office and SSU Service Areas by SSU Service Area, by FERC account by month for the years 2005, 2006, and the twelve months ended June 30, 2007 for the following Accounts and Sub Accounts:

**Accounts**

4261 Donations  
4263 Penalties  
4264 Civic, Political and Related

**Sub Accounts**

05411 Meals & Entertainment  
05412 Spousal and Dependent Travel  
05413 Transportation  
05414 Lodging  
05415 Membership Fees  
05416 Club Dues- Nondeductible  
05417 Club Dues - Deductible  
10300 Lubbock Country Club  
10301 Owensboro Country Club  
13941 Nashville NFL PSL Fee

13942 Houston NFL PSL Fee  
13952 University of Northern Colorado  
24621 EY Sarbanes-Oxley 404 fees  
30703 United Way Agencies  
30705 Health  
30706 Museum & Arts  
30709 Salvation Army  
30710 Youth Clubs & Centers  
30713 American Red Cross  
30736 Community Welfare  
30737 Political Activities  
30739 Misc Inc Deduct Alloc  
30740 Misc Income Deductions  
30741 Lodging  
30742 Membership/Club Dues  
30743 Sports Events

**ATMOS RESPONSE NO. 17:**

Please see attached file CAPD DR1-17 ATT.

**MOTION TO COMPEL NO. 17:**

Atmos's response to CAD Request No. 17 is unresponsive and incomplete. The amounts allocated to Tennessee from the Division General Office and SSU Service Areas by SSU Service Area, by FERC account, were not provided for the months of May 2007 and June 2007, as requested. The Consumer Advocate needs the requested data for May 2007 and June 2007 in order to analyze expenses in the Consumer Advocate's test period that may need to be excluded for purposes of setting regulated rates.

**CAD FIRST REQUEST NO. 37:**

Please provide the Company's tax depreciation by account by vintage year for the attrition year ended October 31, 2008. Include in your response the tax depreciation rates for each account by vintage year and the tax depreciation method employed.



**ATMOS RESPONSE NO. 37:**

Please see CAPD 1-037 ATT.

**MOTION TO COMPEL NO. 37:**

Atmos's response to CAD Request No. 37 is unresponsive and incomplete. The referenced file, CAPD 1-037 ATT, did not include the Company's tax depreciation by account by vintage year for Company 093, which is Tennessee operations. The Consumer Advocate needs the requested information in order to forecast an appropriate amount of accumulated deferred federal income tax for Tennessee operations.

**CAD FIRST REQUEST NO. 43:**

Please provide all work papers, calculations, and documentation supporting the Weighted Dollar Days<sup>7</sup> on lines 1 and 3. Include in your response the calculations and documentation for individual weighted dollar days of: Pension, Insurance, Allocated Expenses, Uncollectibles, and Other Operating Expenses.

**ATMOS RESPONSE NO. 43:**

Please see WP 5-1 for the O&M Payment Lag and WP 5-2 for the Check Clearing Lag attached as CAPD 1-043 ATT. The Non-Labor O&M did not break out the Pension, Insurance, Allocated Expenses or Uncollectibles from the Other Operating Expenses.

**MOTION TO COMPEL NO. 43:**

Atmos's response to CAD Request No. 43 is unresponsive and incomplete. The Company's individual weighted dollar days were not provided for Pension, Insurance, Allocated Expenses, Uncollectibles, and Other Operating Expenses, as requested. The Consumer Advocate needs the requested information in order to forecast an appropriate amount of working capital.

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<sup>7</sup> Company Exhibit, Schedule THP-CWC5.

**CAD FIRST REQUEST NO. 65:**

Please provide all budget guidelines, assumptions, documentation used in preparation for the Division's ("091") budget years ended September 2007-2008.

**ATMOS RESPONSE NO. 65:**

In addition to its general objections, AEC objects to this request on the grounds that its reference to "guidelines, assumptions, documentation" is vague and indefinite. AEC further objects that this request is unduly burdensome as written.

In addition, the parties have reached the following agreement regarding the request: This request is modified by replacing the request for "all guidelines, assumptions, documentation" with a request for "documents sufficient to show the guidelines, and assumptions . . ."

Subject to and without waiving these objections, and subject to this agreement, AEC responds to the request as follows:

Preparation of operating and construction budget formally begins in late May and culminates with completion of final budgets in late August for the following fiscal year. Budget preparation is based on determining the upcoming, annual system requirements necessary for continued safe and reliable operation of the system. In addition, expected customer growth is considered in order to determine any additional support or investment required to support that growth. Budgets are approved at multiple levels beginning with supervisor/managers up through Division leadership.

Additional reviews are performed by corporate executive operations management and their staff. High level reviews of the division budgets are reviewed by corporate executive management. The Board of Directors must review and approve the total Company budget before finalization and implementation.

Also see attached documents labeled CAPD 1-065 ATT 1 through ATT 9 for instructions, assumptions and timelines.

**MOTION TO COMPEL NO. 65:**

Atmos's response to CAD Request No. 65 is unresponsive and incomplete. The Consumer Advocate is unable to locate the files referenced as CAPD 1-065 ATT 1 through ATT 9, which may contain documents sufficient to show the division budget guidelines and assumptions. The

Consumer Advocate needs the requested information in order to determine if Atmos's ratemaking forecast is consistent with its internal operating forecast.

**CAD FIRST REQUEST NO. 70:**

Please provide the amount of Banner/Advantage System software investment and accumulated depreciation by account by service area at December 2006 and May 2007. Please include in your response whether the Banner/Advantage System software is used and useful by the Company.

**ATMOS RESPONSE NO. 70:**

Reference CAPD DR1-70 ATT

**MOTION TO COMPEL NO. 70:**

Atmos's response to CAD Request No. 70 is unresponsive and incomplete. The referenced file, CAPD DR1-70 ATT, includes the statement, "This system is used and useful to the company." This response is not Tennessee-specific and fails to describe the benefits, if any, that Tennessee ratepayers receive from the Banner/Advantage System. The Consumer Advocate needs this information in order to help determine the amount of Banner/Advantage System expenses, if any, that should be charged to Tennessee ratepayers.

**CAD FIRST REQUEST NO. 102:**

Provide a summary of ATMOS Tennessee Billed Margin since 1997 using today's current rates and detail by revenue class splitting out volumetric and customer charge fee revenue. Additionally, please provide a summary of WNA revenue by revenue class calculated using the current approved procedure; also provide comparable detail of the proposed WNA revenue.

**ATMOS RESPONSE NO. 102:**

In addition to its general objections, AEC incorporates by reference the objection stated in section II.A of its Objections.

AEC and CAPD have agreed that CAPD's request will be reduced from 10 years to

the period 2002 forward, with the understanding that if CAPD identifies a need for additional information in specific areas once the initial responses are received and reviewed, AEC and CAPD will discuss the production of further information.

Subject to and without waiving its objections, and subject to this agreement, AEC responds to the request as follows:

Please see CAPD 1-102 ATT. 1 through 5 CONFIDENTIAL and not to be shared with Earl Burton.

**MOTION TO COMPEL NO. 102:**

Atmos's response to CAD Request No. 102 is unresponsive and incomplete. The referenced files, CAPD 1-102 ATT. 1 through 5 CONFIDENTIAL, do not include the requested information through May 2007. The Consumer Advocate needs the requested information for the 12 months to date through May 2007 in order to calculate its forecast of regulated revenues. Additionally, for comparison purposes, the file "MFR 21 CONF SEAL Rev & Weather Norm" needs to be updated to reflect actual usage through May 2007. The data included on several sheets appears to be inaccurate and/or the captions contain the wrong dates. For example, the WNA adjusted volumes for the year ended September 30, 2002, does not tie between the "Old WNA Revenue" tab which shows {proprietary number} to the "New WNA Revenue" tab which shows {proprietary number} (a 9,991,055 CCF difference). In 2005, there is a similar discrepancy of 3,128,450 CCF, and in 2006 there is a difference of 1,840,720 CCF. To assure the accuracy of all historical volumes reported in this data, please price out the historical normalized volumes at the rates in effect at the time and reconcile this price out to the revenues reported for that year, with all material variances explained.

**CAD FIRST REQUEST NO. 105:**

Regarding the Main Extension Policy: (a) Please provide an example under the proposed policy detailing the costs incurred, as well as the compensating revenue, of a main extension for ten new customers (including the length of time allowed for

revenue to off-set the cost of the extension); (b) Please detail an example where one additional customer is added to the main extension example in subpart (a) showing the costs incurred, as well as the compensating revenue, associated with this additional customer; (c) Please repeat the examples provided under subparts (a) and (b) using the current main extension policy and detail how the costs incurred, as well as the compensating revenue, is different under the current policy as compared to the proposed policy; (d) Further, please explain in detail the need for the Company to change the main extension policy at this time.

**ATMOS RESPONSE NO. 105:**

Subject to an without waiving its general objections, AEC responds as follows:

There will be no differences in either the cost or the revenue realized between the proposed new main extension policy and the current main extension policy. The differences in the new and current policies, which are effectually minor, would be in the AIC charged to the customer, if any. For example, under the current policy, a customer who might use gas for only heating purposes, and requires a main extension of sixty feet or less, then that main extension would be free; no AIC required. Under the proposed method, that same example would require the customer to pay a non-refundable AIC in the amount of \$250, as calculated by the company's feasibility study.

More detailed examples can be provided, but the difference is in that the current method does not evaluate costs or revenues. It provides no "feasibility analysis" whatsoever. Rather, it just provides a free footage allowance based on consumption with no review of the costs of those "feet".

As stated in the testimony of company witness Michael H. Ellis, "Labor and material costs have increased substantially since that time, while the average annual consumption of all customers has continued to decline at a steady rate. Rather than derive another blanket rule of thumb, which too ultimately will become obsolete and need to be changed, the Company proposes to replace the stock free footage allowance for Residential customers based strictly on consumption with a procedure requiring the Company to conduct a feasibility study for each and every project".

Further, the method proposed matches the current policy for all non-residential customers. That is, for commercial and industrial projects, a true feasibility analysis is used to determine how much investment and additions to rate base will be made to provide service to these customers.

**MOTION TO COMPEL NO. 105:**

Atmos's response to CAD Request No. 105 is vague, unresponsive and incomplete and does not provide the detail requested by the Consumer Advocate. Furthermore it does not break the answer in sub-parts a, b, c and d. The purpose of CAD Discovery Request No. 105 is to determine the cost to the consumer or other person requesting a main extension (which generally consists of running a pipe from his or her house to the main gas pipeline in order to receive service) under the new main extension policy proposed by Atmos in this case. At the very least, if Atmos is going to make a new main extension policy part of its rate case, it ought to explain in "dollars and cents terms" what that new policy is going to cost consumers. Instead of providing sufficient detail, however, the response merely states that an "AIC" (a term not defined in the response but which we assume means advance in aid of construction) would be charged to the consumer, but there is no explanation on how this charge would be determined. In addition, the response refers to a "feasibility study" that would be used in determining cost, but there is no explanation as to how such a feasibility study would be conducted or its precise terms.

Finally, the Consumer Advocate is aware of situations where gas companies give credits or reductions to consumers against the cost of a main extension. For example, a customer with three or more years of prior service would pay less than someone with less usage. Accordingly, the Consumer Advocate needs to know whether such credits are part of the new main extension policy proposed by Atmos.

**CAD FIRST REQUEST NO. 106:**

Please detail any main extension proposals during the last 5 years in other state jurisdictions similar to the one proposed in this case and provide the results of those proposals as documented in rate orders.

**ATMOS RESPONSE NO. 106:**

Subject to and without waiving its general objections, AEC responds as follows:

In the past five years, the company has proposed this same new main extension policy as has been proposed in this case in two other states; Georgia and Missouri. In each of these states, the company proposed changing from various free footage allowances to a feasibility study. In the Georgia case in 2005 (Case No. 20298-U), the company proposed this same feasibility study method to replace a similar "one foot per mcf" free extension policy. The Georgia commission approved that method.

In the Missouri case in 2007 (Case No. GR-2006-0387), again the company proposed this same feasibility study method to replace a similar free extension policy of 150 feet of main free. The Missouri commission did not approve that method and thus we continue to operate under the 150 fee free footage allowance method.

In addition to the above referenced cases, the company sought and received approval of this new feasibility study method in Virginia in 2001.

**MOTION TO COMPEL NO. 106:**

Atmos's response to CAD Request No. 106 is incomplete and unresponsive. The response does not provide specific detail as to the main extension proposals in Missouri, Georgia, and Virginia. For example, the term "feasibility study" is not defined, explained, or detailed in any fashion. The response provided suggests that the feasibility study proposed in Missouri, Georgia, and Virginia are similar and "new." The pre-filed testimony of Mr. Ellis does not explain the specifics of the vaguely proposed "feasibility study." This discovery request specifically seeks details to similar proposals in other state jurisdictions. In addition, the Company does not provide any information as to why a proposal in another state was granted or denied.

**CAD FIRST REQUEST NO. 126:**

Please provide a copy of Atmos's contract with Saturn and identify the ccfs which Atmos billed Saturn for each month of the fiscal years ended September 30, 2004, 2005 and 2006.

**ATMOS RESPONSE NO. 126:**

The requested information is CONFIDENTIAL and will be made available in accordance with the protective order entered in this proceeding. See CONFIDENTIAL Excel spreadsheet CAPD DR 1-126 ATT.

**MOTION TO COMPEL NO. 126:**

Atmos's response to CAD Request No. 126 is unresponsive and incomplete. The referenced file, CAPD DR 1-126 ATT, did not include the ccfs which Atmos billed Saturn for each month of the fiscal year ended 2006. The Consumer Advocate needs this information to calculate its forecast of regulated revenues.

**CAD FIRST REQUEST NO. 130:**

Please produce copies of all hearing exhibits that you plan to introduce, use, or reference at the hearing on the merits in this docket..

**ATMOS RESPONSE NO. 130:**

In addition to its General Objections, AEC objects to this request as premature.

**MOTION TO COMPEL NO. 130:**

If Atmos plans to introduce, use, or reference any exhibits at the hearing on the merits in this matter, such exhibits should be provided to the Consumer Advocate in a timely manner prior to the hearing. The exchange and discussion of proposed hearing exhibits among the parties will help ensure a fair and orderly progression of the proceedings in this matter and may eliminate or reduce the number of objections to the use of such exhibits at the hearing. It is the understanding of the Consumer Advocate that Atmos is not opposed to establishing a deadline for the exchange of hearing exhibits among the parties, which deadline would be shortly before the hearing commences.



**CAD FIRST REQUEST NO. 134:**

Identify all information, documents and things filed in the present docket record, including all responses to discovery of the parties and data request from the TRA Staff, which Atmos produced in this docket and does not agree to stipulate to the authenticity of such information, documents and things in this proceeding. For each separate piece of information, documents and things which Atmos produced in this docket and Atmos contends is not admissible as evidence describe in specific detail any objection(s) Atmos claims as to admissibility into the evidentiary record in this docket.

**ATMOS RESPONSE NO. 134:**

In addition to its general objections, AEC objects to this request on the grounds that it is vague and indefinite in its reference to “information, documents and things.” AEC further objects to this request on the grounds that it is unduly burdensome. Compliance with this request would involve a legal analysis of the admissibility of tens of thousands of pages and documents and all of the other “information” that may be produced in discovery, much of which may never be offered into evidence. The legal cost of such an effort could be enormous, and largely unproductive. Initial legal analysis of the admissibility of documents and other “information” that the CAPD may wish to introduce into evidence should not be shifted onto counsel for AEC. Subject to and without waiving these objections, at an appropriate time after the parties have narrowed the documents they may actually offer at trial, AEC counsel will work with the CAPD in an effort to stipulate the authenticity of such documents, and resolve other evidentiary questions.

**MOTION TO COMPEL NO. 134:**


This request asks Atmos to identify any of the documents that it produced in discovery that it contends is not authentic and not admissible as evidence in this case. The production of this information will help ensure a fair and orderly progression of the proceedings in this matter and may eliminate or reduce the number of objections to documents offered into evidence. The Consumer Advocate seeks this information prior to the hearing in order to allow it an opportunity to make appropriate arrangements for the authentication of documents to which Atmos is not willing to stipulate as to their authenticity. For example, the Consumer Advocate may need to arrange for the

creator or custodian of such documents to be present at the hearing to establish their appropriate evidentiary foundation.

WHEREFORE, the Consumer Advocate respectfully requests that the Authority enter an Order compelling Atmos to produce full and complete answers to the Consumer Advocate's discovery requests within five (5) days from the date of the hearing of this motion.

Respectfully submitted,

Robert E. Cooper, Jr.  
Attorney General and Reporter  
State of Tennessee

  
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Dated: July 10, 2007

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or electronic mail to:

Patricia Childers  
Vice President, Rates & Regulatory Affairs  
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this the 10th day of July, 2007.

#108989

  
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Joe Shirley  
Assistant Attorney General