

Additionally, CGC objects to the scope of the terms “identity” and “identify” as used by the CAPD. In particular, CGC objects to providing the date of birth, the current

residential address, and the current residential telephone number of persons to be identified on the grounds that the scope of information requested is overly broad and not calculated to lead to the discovery of admissible evidence. The Company also objects to providing the address and a description of the nature of the business of any entity identified in its responses on the grounds that this information may not be in CGC's possession, custody, or control and that the request is overly burdensome and is not calculated to lead to the discovery of admissible evidence. CGC further objects to the CAPD's instructions to produce the "original" or "each copy" of each document requested on the grounds that the request is unduly burdensome and overly broad. CGC intends to provide copies of original documents as available.

CGC objects to any request in the CAPD's third set of discovery requests that seeks information and/or documents that have already been provided to the CAPD in any form whatsoever during a previous discovery round in this docket or that are already in the CAPD's possession, custody, or control. It is unduly burdensome to require CGC to re-produce the information or to produce it in another specified format.

CGC objects to the discovery requests to the extent that they seek information or documents not related to matters at issue in this litigation, not relevant to matters at issue in this docket, and/or not reasonably calculated to lead to the discovery of admissible evidence. To the extent that CGC provides information or documents in response to the CAPD's third discovery requests, the Company reserves its right to object to the use and admissibility of the information or documents at the hearing on the merits or at any other proceeding.

CGC further objects to the discovery requests to the extent that they seek information and documents that are not in the Company's possession, custody, or control.

These objections are continuing and are incorporated by reference in response to all discovery requests to the extent applicable. The statement of the following additional objections to specific discovery requests shall not constitute a waiver of these General Objections.

II. OBJECTIONS TO SPECIFIC DISCOVERY REQUESTS

CAPD Request No. 1

CGC objects to Request No. 1 to the extent that it takes quoted language out of context from CGC's response to Request No. 10.b. of the CAPD's Second Set of Discovery Requests.

Additionally, in Request No. 1, the CAPD asks CGC to "provide a copy of Sequent's Operational Balancing Agreement with ETNG." CGC objects to this request on the grounds that the CAPD requested this information during the first round of discovery and the Hearing Officer denied the CAPD's request for this information. Further, CGC objects as this information is not in its possession, custody, or control and is not relevant to the matters in the present docket.

In the first round of discovery, the CAPD asked for copies of operating balancing agreements between ETNG and Sequent. See First Round Request No. 77. CGC objected to producing this information because an operating balancing agreement between Sequent and ETNG does not and cannot by definition include any points covered by the balancing agreement for Chattanooga Gas Company. CGC argued that Sequent's operating balancing agreement with ETNG does not involve CGC's regulated

assets and is not relevant to this docket. See Hearing Officer's April 29, 2008 Order ("April 29, 2008 Order"), at 16. The Hearing Officer denied the CAPD's request to obtain a copy of the balancing agreement between Sequent and ETNG. See April 29, 2008 Order, at 15-16. As this issue has already been determined by the Hearing Officer, the CAPD's request is redundant and improper. Further, CGC does not have a copy of the requested OBA in its possession, custody, or control.

CAPD Request No. 2

CGC objects to Request No. 2 to the extent that it seeks information that is not in CGC's possession, custody, or control.

CAPD Request Nos. 17, 21, and 23

CGC will produce the data that it generated and used in creating Exhibit TSS-08. However, CGC objects to Request Nos. 17, 21, and 23 to the extent that they require CGC to generate new data that was not used by CGC to create Exhibit TSS-08. The data does not exist in the form requested by the CPAD and thus cannot be argued to be in CGC's possession, custody, and control. It would be unduly burdensome and beyond the scope of discovery to require CGC to create information that does not already exist in its possession in the format requested.

In its sur-responsive testimony, CGC filed Exhibit TSS-08 to respond to inaccurate positions taken by Dr. Brown (Dr. Brown's Rebuttal, at page 32-33). In his rebuttal testimony, Dr. Brown performed an analysis using monthly data beginning with August 1, 2005. CGC created Exhibit TSS-08 to respond to Dr. Brown's analysis by using monthly data for the same period starting with August 2005. Now, CAPD Request No. 21 asks CGC to extend its analysis for Exhibit TSS-08 back to November 2002. This

would be unduly burdensome, overly broad, and beyond the scope of discovery to require CGC to generate monthly data for an additional three year period that was not included in Dr. Brown's rebuttal testimony. Dr. Brown chose to begin his analysis with August 2005 data and CGC has responded based on that period. Dr. Brown should not be afforded the opportunity to expand his previously filed rebuttal testimony by requesting data for an additional three year period.

To respond to CAPD Request No. 17, CGC would have to create and generate data on a daily basis rather than on a monthly basis as provided in Exhibit TSS-08. This is overly broad and unduly burdensome and is beyond the scope of discovery. Dr. Brown's rebuttal testimony to which Exhibit TSS-08 is responding only deals with monthly data. Therefore, CGC did not generate daily data. CGC will provide the data that it generated to create Exhibit TSS-08 which is responsive to the analysis performed in Dr. Brown's rebuttal testimony.

Regarding Request No. 23, CGC will answer this request to the extent that CGC has already generated the data to create and support Exhibit TSS-08. To the extent that the CAPD is seeking new data that CGC has not generated, CGC objects on the basis that the request is overly broad, unduly burdensome, and beyond the scope of discovery.

CAPD Request No. 35

CGC objects to this request to the extent that the CAPD seeks to impose on CGC requirements to supplement its responses beyond those required by Tennessee Rules of Civil Procedure (*see* Rule 26.05) or the statutes and regulations governing contested case hearings (*see, e.g.,* TRA Rule 1200-2-2-.11). CGC will seasonally supplement its

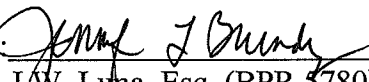
responses in accordance with the requirements of the Tennessee Rules of Civil Procedure.

CAPD Request No. 37

CGC objects to this request as it seeks information that the CAPD already has in its possession, custody, and control. Further, the information sought is readily available through public sources. To require CGC to re-produce this information is unduly burdensome. The information sought in Request No. 37 regarding the selection of Sequent as CGC's asset manager was the subject of Docket 08-00012 in which the TRA reviewed CGC's RFP process, reviewed the selection of Sequent as CGC's asset manager, and approved the asset management contract. The CAPD intervened in that docket and received all information (both confidential and non-confidential information) concerning the process and selection of Sequent as CGC's asset manager, including but not limited to information about the Company's RFP process, the bids received by bidding asset managers, the factors considered in evaluating the bids, and the selection of the asset manager. Further, CGC has already responded to requests for much of this information by the CAPD in the first round of discovery. See CGC's responses to CAPD First Round Request Nos. 49, 50, 51, 53, & 54.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of April 2009, a true and correct copy of the foregoing was served on the persons below by electronic mail:

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