

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

June 25, 2009

IN RE:

DOCKET TO EVALUATE

CHATTANOOGA GAS COMPANY'S

GAS PURCHASES AND RELATED

SHARING INCENTIVES

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DOCKET NO. 07-00224

**CHATTANOOGA GAS COMPANY'S OBJECTION
TO THE CAPD'S ONE ADDITIONAL DISCOVERY REQUEST**

Chattanooga Gas Company ("CGC" or "Company") files this objection to the additional discovery request that the Consumer Advocate and Protection Division ("CAPD") of the Office of Attorney General and Reporter is seeking leave to serve upon CGC.

First, CGC objects to the CAPD's discovery request as being untimely and beyond the scope of the Third Amended Procedural Schedule dated March 2, 2009. The CAPD has already served three rounds of discovery requests (involving no less than 226 requests). CGC responded to the CAPD's third round discovery requests on May 12, 2009. The CAPD filed its sur-rebuttal testimony on June 10, 2009. Now, three weeks before the hearing on the merits, the CAPD is asking CGC to provide data to confirm Dr. Brown's inappropriate inclusion of third party deliveries with CGC's deliveries for sales customers in his pre-filed testimony. However, there are no additional rounds of testimony to be filed in this case. The information requested by the CAPD is untimely and, to the extent it is necessary, should have been requested in advance of the filing of Dr. Brown's sworn sur-rebuttal testimony on June 10, 2009.

Alternatively, should CGC be required to respond to the CAPD's untimely discovery request, CGC objects to the CAPD's request for documentation of transactions between third parties listed on Exhibits 03 and 04 to the extent that CGC does not possess documentation or information about transactions between third party consumers on CGC's system and their suppliers.. CGC only maintains billing information about the volumes of gas transported for and delivered to its own transportation customers. To the extent that the CAPD is attempting to seek the volume of gas transported by CGC to its own customers, CGC objects to providing information that may no longer be in its possession, custody, or control. The CAPD has requested information from transactions that occurred in 2003 and 2005 which are beyond the Company's records retention policy and thus the information may no longer exist.

CGC has provided the CAPD with a list of all of CGC's current third party transportation customers through CGC's confidential response to CAPD third round discovery request no. 4. CGC has also provided the CAPD with a list of the parties who make nominations through CGC's confidential response to CAPD third round discovery request no. 5.

Additionally, CGC objects to the CAPD's definition of "Third Parties" as "Transportation of Gas of Others Through *Transmission Facilities*,' i.e., Transport Customers, as defined by FERC Form 2" (emphasis added). CGC transports gas through its *distribution system facilities*, not interstate transmission facilities. Further, the FERC Form 2 definition referenced by Dr. Brown is for interstate pipelines not local distribution companies like CGC.

For the foregoing reasons, CGC objects to the CAPD's untimely discovery request.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of June 2009, a true and correct copy of the foregoing was served on the persons below by electronic mail:

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