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May 12, 2008

**VIA EMAIL AND MAIL**

Chairman Eddie Roberson  
c/o Sharla Dillon  
Tennessee Regulatory Authority  
460 Robertson Parkway  
Nashville, TN 37243-0505

filed electronically in docket office on 05/12/08

Re: ***TRA Docket No. 08-0039***

Dear Chairman Roberson:

Enclosed please find Chattanooga Manufacturer Association's First Set of Data Requests to Consumer Advocate and Protection Division.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

  
David C. Higney

DCH/dmm

Enclosure

cc: Mr. J. Richard Collier  
Mr. Henry M. Walker  
Mr. Michael A. McMahan  
Mr. Harold L. North, Jr.  
Mr. Frederick. L. Hitchcock  
Mr. Dale Grimes/Mr. Ross I. Booher  
Mr. Robert E. Cooper, Jr. /Mr. Timothy C. Phillips/Mr. Ryan L. McGehee

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

IN RE:

PETITION OF TENNESSEE-  
AMERICAN WATER COMPANY TO  
CHANGE AND INCREASE CERTAIN  
RATES AND CHARGES...

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DOCKET NO. 08-0039

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**CHATTANOOGA MANUFACTURERS ASSOCIATION'S  
FIRST SET OF DATA REQUESTS TO THE ATTORNEY GENERAL'S  
CONSUMER ADVOCATE & PROTECTION DIVISION**

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Chattanooga Manufacturers Association ("CMA"), by and through its counsel, hereby serves the following discovery and data requests to the Attorney General's Consumer Advocate and Protection Division (hereinafter "CAPD"):

**DEFINITIONS**

1. Unless otherwise noted, "CAPD" means the Consumer Advocate & Protection Division of the State of Tennessee, and its present and former employees, agents, representatives, directors, and all other persons acting or purporting to act on its behalf.
2. The terms "you" and "your" refer to the CAPD.
3. "The term "person" means any natural person, corporation, corporate division, partnership, other unincorporated association, trust, government agency, or entity.
4. The term "document" shall have the broadest possible meaning under applicable law. "Document" means every writing or record of every type and description that is in the possession, custody or control of the CAPD, including, but not limited to, correspondence,

memoranda, drafts, workpapers, summaries, stenographic or handwritten notes, studies, publications, books, pamphlets, reports, surveys, minutes or statistical compilations, computer and other electronic records, files, tapes or printouts, including, but not limited to, electronic files, electronic mail (e-mail) files, portable files, temporary files, and/or external storage devices; and, copies of such writings or records containing any commentary or notation whatsoever that does not appear in the original. The term "document" further includes, by way of illustration but not limitation, schedules, progress schedules, time logs, drawings, computer disks, charts, projections, time tables, summaries of other documents, minutes, surveys, work sheets, drawings, comparisons, evaluations, laboratory and testing reports, telephone call records, personal diaries, calendars, personal notebooks, personal reading files, transcripts, witness statements and indices.

5. The term "referring or relating to" means consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.

6. "And" and "or" as used herein shall be construed both conjunctively and disjunctively and each shall include the other whenever such construction will serve to bring within the scope of these discovery requests any information that would otherwise not be brought within their scope.

7. "Affiliate" or "affiliated" means an entity that directly, or indirectly, through one or more intermediaries, controls, or is controlled by, or is under common control with, another entity.

8. "Identify" or "identifying" or "identification" when used in reference to a document means to provide with respect to each document requested to be identified by these discovery requests a description of the document that is sufficient for purposes of a request to produce or a subpoena duces tecum, including the following:

- a) the type of document (e.g., letter, memorandum, etc.);
- b) the date of the document;
- c) the title or label of the document;
- d) the Bates number or other identifier used to number the document for use in litigation;
- e) the identity of the originator;
- f) the identity of each person to whom it was sent;
- g) the identity of each person to whom a copy or copies were sent;
- h) a summary of the contents of the document;
- i) the name and last known address of each person who presently has possession, custody or control of the document; and
- j) if any such document was, but is no longer, in your possession, custody or control or is no longer in existence, state whether it: (1) is missing or lost; (2) has been destroyed; or (3) has been transferred voluntarily or involuntarily, and, if so, state the circumstances surrounding the authorization for each such disposition and the date of such disposition.

#### **GENERAL INSTRUCTIONS**

1. If you contend that any response to any data request may be withheld pursuant to the attorney-client privilege, the attorney work product doctrine or any other privilege or basis,

please provide a privilege log stating the following with respect to each such response in order to explain the basis for the claim of privilege and to permit adjudication of the propriety of that claim:

- a) the privilege asserted and its basis;
- b) the nature of the information withheld, including a description that makes the document reasonably ascertainable, including its date, author and a description;
- c) the subject matter of the document, except to the extent that you claim it is privileged.

2. These requests are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These requests are intended to include requests for information, which is physically within your possession, custody or control as well as in the possession, custody or control of your agents, attorneys, or other third parties from which such documents may be obtained.

3. If any data request cannot be answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.

4. For each data request, provide the name of the company witness(es) or employee(s) responsible for compiling and providing the information contained in each answer.

### **DATA AND DISCOVERY REQUESTS**

1. Please provide complete copies of any and all documents referred to or relied upon in responding to any and all of CMA's, the City of Chattanooga (the "City), the Tennessee-American Water Company's, the Tennessee Regulatory Authority Staff's and/or any other person or entity's discovery and data requests in this proceeding.
2. Please provide complete copies of all data requests issued in this proceeding, and complete copies of any and all documents referred to or relied upon in responding to same (whether ultimately produced in response or not).
3. Please identify all persons known to you, your attorney(s) or other agent(s), who have knowledge, information or possess any document(s) or claim to have knowledge, information or possess any document(s) which support or contradict each or any fact you rely upon to support your contentions and request(s) for relief in this docket, or any published materials by (or for) the CAPD.
4. Please identify and produce a copy of all articles, journals, books or speeches written by or co-written in the past ten (10) years by any expert witness(es) or other witness(es) of the Company, whether published or not, relative to any issue raised in this proceeding.
5. To the extent not already provided to CMA, either in response to initial data requests by the Tennessee Regulatory Authority Staff in this proceeding, or in response to others in this proceeding, please provide copies of all responses made to all other parties' data requests in this proceeding with all workpapers on electronic spreadsheet and in hard copy format, along with

copies of all documents, reference material(s) and other sources relied upon by all witnesses for the CAPD in this proceeding.

Respectfully submitted,

**GRANT KONVALINKA & HARRISON, P.C.**

By: 

DAVID C. HIGNEY (BPR #14888)  
Attorneys for (Petitioning Intervenor)  
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Chattanooga, Tennessee 37450-0900

- and -

**BOULT, CUMMINGS, CONNERS & BERRY, PLC**

HENRY M. WALKER (BPR #272)  
1600 Division Street, Suite 700  
P.O. Box 340025  
Nashville, Tennessee 37203

## CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of May 2008, a true and correct copy of the foregoing First Round of Discovery to Tennessee American Water Company was served by either fax, overnight delivery service or first class mail-postage prepaid, and also via e-mail, to all parties of record at their addresses shown below:

Richard Collier  
General Counsel  
Tennessee Regulatory Authority  
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