

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

IN RE:

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

)
)
) Docket No. 08-00039
)
)
)
)
)
)

**CHATTANOOGA MANUFACTURERS ASSOCIATION'S
RESPONSES TO TENNESSEE AMERICAN WATER COMPANY'S
FIRST SET OF DISCOVERY REQUESTS**

The Chattanooga Manufacturers Association ("CMA"), by and through its attorneys, submits the following objections to the Discovery Requests from Tennessee American Water Company (the "Company") propounded upon CMA. CMA has set forth in Part I its objections generally applicable to the Company's requests, and specific additional objections to Company discovery requests in Part II.

PART I: GENERAL OBJECTIONS

1. CMA objects to the definitions and instructions contained in the discovery requests for production to the extent that the definitions and instructions attempt to impose on CMA a burden or obligation greater than that required by the *Tennessee Rules of Civil Procedure* and applicable statutes and regulations governing contested case hearings.

2. CMA objects to the discovery requests to the extent they call for information and the production of documents which are protected from disclosure by the attorney-client privilege, the attorney work product doctrine or any other applicable privilege or protection. CMA objects to the Company's discovery requests to the extent that the Company is attempting to impose on

CMA obligations with regard to identification of privileged documents beyond those required by the *Tennessee Rules of Civil Procedure* and applicable statutes and regulations governing contested case hearings.

3. CMA objects to the Company's discovery requests to the extent that they seek information to matters not at issue in this litigation or to the extent they are not reasonably calculated to lead to the discovery of admissible evidence. By providing information in response to these requests, CMA does not concede that such information is relevant, material or admissible in evidence. CMA reserves all rights to object to the use of such information as evidence.

4. CMA objects to the Company's discovery requests to the extent that the Company is attempting to impose on CMA obligations to supplement its responses beyond those required by the *Tennessee Rules of Civil Procedure* and applicable statutes and regulations governing contested case hearings.

5. CMA objects to the Company's discovery requests to the extent that the Company is attempting to require CMA to provide information and produce documents beyond those in its possession, custody or control as that phrase is used in the *Tennessee Rules of Civil Procedure* and applicable statutes and regulations governing contested case hearings.

6. CMA objects to the Company's discovery requests to the extent that they seek information and documents that are readily available through public source or are in the Company's own possession, custody or control. It is unduly burdensome and oppressive to require CMA to respond or produce documents that are equally or more available to the Company.

7. CMA objects to the production of any documents prepared by it subsequent to the filing of this litigation or contested case.

8. CMA's objections and responses to these requests are based on information now known to it. CMA reserves the right to amend, modify or supplement its objections and responses if it learns of new information.

9. CMA also supports, adopts, and incorporates herein the relevant objections made by the Consumer Advocate Division and the City of Chattanooga.

PART II
ADDITIONAL OBJECTIONS AND RESPONSES TO
SPECIFIC DISCOVERY REQUESTS

Subject to and without waiving the foregoing General Objections, CMA responds as follows:

DISCOVERY REQUEST NO. 1:

Identify each material fact and every document that you rely on to support your contention(s), position(s) or belief(s) that any of the request(s) for relief, including any increase in rates, made by TAWC in TRA Docket No. 08-00039 should not be approved by the Tennessee Regulatory Authority ("TRA").

RESPONSE:

Objection. To the extent CMA is aware of any such facts at this time, all such facts relied upon by CMA in this proceeding are, or will be, set forth in the testimony and exhibits of the parties.

DISCOVERY REQUEST NO. 2:

Identify all persons known to you, your attorney, 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 your answer to Discovery Request No. 1 above.

RESPONSE:

Objection. This question is overbroad and unduly burdensome in that it could conceivably cover dozens, if not hundreds, of employees of CMA and its member companies that may present as witnesses in this case. Those with knowledge, information, or documents supporting CMA's answer to Discovery Request One include the witnesses, if any, for CMA who will file testimony in this case, in addition to any other party's witnesses who have filed testimony or will file testimony.

DISCOVERY REQUEST NO. 3:

Produce each document, photograph, or any other article or thing whatsoever, which refers or relates to any part of your contention(s), position(s) or belief(s) that any of the request(s) for relief, including any increase in rates, made by TAWC in TRA Docket No. 08-00039 should not be approved, whether as to the issues of credibility or any other issue.

RESPONSE:

Objection. At this time, the documents upon which CMA intends to rely are those which have been filed in this case or which have been provided by TAWC in response to discovery requests from the parties and the Staff.

DISCOVERY REQUEST NO. 4:

Identify any person you intend to call as a fact or expert witness (including, but not limited to, the persons referred to in paragraph 4 of your “Joint Objection of the Intervenor’s To Discovery Question Limits for the Initial Round of Discovery,” in which you state, “Chattanooga and the CMA have also retained consultants who will likely offer testimony on issues materially affecting the amount and application of the Company’s proposed rate increase, such as issues concerning the I.C.A.R. and rate design”), the subject matter of the witness’ testimony, the substance of the facts and opinions to be expressed and the basis and reasons therefor, the data, documents, materials or other information shown to, relied upon, created by or considered by the witness as part of this case and/or as a basis in forming his or her opinions, any exhibits to be used as a summary of or support for each such opinion, the qualifications of the witness, including a full resume, a list of all publications authored by the witness, the compensation to be paid for the study and testimony, and a listing of any other cases in which the witness has testified at trial or by deposition.

RESPONSE:

Objection. CMA objects to Discovery Request No. 4 on the grounds that the request is overbroad, unduly burdensome, vague, ambiguous and duplicative and that, at least in part, it is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, CMA objects to Discovery Request No. 4 to the extent that it so blatantly encroaches upon the attorney-client privilege and/or seeks the mental impressions and conclusions of CMA attorneys, which are privileged and will not be provided, the General Objection must be reiterated here. CMA further objects on the grounds that CMA will timely respond as appropriate through the filing of the direct testimony of CMA’s witnesses, if any.

DISCOVERY REQUEST NO. 5:

Provide any and all documents identified or specified in your answers or responses to the discovery requests served upon you in this matter or relied on or referred to in responding thereto.

RESPONSE:

Objection. At this time, the documents upon which CMA intends to rely are those which have been filed in this case or which have been provided by TAWC in response to discovery requests from the parties and the Staff.

DISCOVERY REQUEST NO. 6:

Provide any and all engagement letters and all expert reports and work papers (including drafts) which have been obtained from, created by or provided to any expert or witness.

RESPONSE:

Objection. We will provide reports from CMA's testifying experts, if any. CMA will also provide any and all documents or correspondence, if any exist, concerning the employment of Mr. Gorman by it in this case should Mr. Gorman be offered as a testifying expert.

DISCOVERY REQUEST NO. 7:

Provide in electronic media (Word, Excel, or other Microsoft Office compatible format) and in hard copy all workpapers and other documents, generated by or relied upon by all CMA witnesses.

RESPONSE:

Objection. CMA will provide the non-duplicative workpapers, if any, relied upon by CMA's witnesses, if any, and objects to the extent that this Request may be interpreted to require additional information. Such information would be burdensome and irrelevant.

DISCOVERY REQUEST NO. 8:

Please produce a copy of all trade articles, journals, treatises, speeches and publications of any kind in any way utilized or relied upon by any of the CMA's proposed expert witnesses in evaluating, reaching conclusions or formulating an opinion in the captioned matter as well as all articles, journals, speeches, or books written or co-written by any CMA witness.

RESPONSE:

Objection. CMA objects on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, and that the request is overly broad and unduly burdensome, vague and ambiguous and seeking documents in the public domain.

Subject to and without waving these objections, CMA will list any such publications specifically consulted by CMA's testifying expert witnesses in this case, if any, and CMA will provide a list of all publications written or co-written by such witnesses, if any.

DISCOVERY REQUEST NO. 9:

Please identify and produce any and all documentation, items, reports, data, communications, and evidence of any kind that the CMA intends to offer as evidence at the hearing or to refer to in any way at the hearing.

RESPONSE:

Objection. This response is duplicative of Request 3.

DISCOVERY REQUEST NO. 10:

Please identify each person who provided information or participated in the preparation of the responses to each of these discovery requests, and for each such person specify the responses for which he or she provided information or participated in preparing, and describe the information provided or the participation in preparation.

RESPONSE:

Objection. CMA objects to the extent that this Request again refers to privileged, attorney-client information and privileged attorney work product.

DISCOVERY REQUEST NO. 11:

The Joint Objection of the Intervenors to Discovery Question Limits for the Initial Round of Discovery, which was filed in this docket, states: “the Company has filed a depreciation study in this docket, the conclusions of which will likely be contested.” Specifically identify each conclusion or aspect of the depreciation study the CMA intends to contest, if any, and the CMA’s grounds and/or bases therefor, including any facts and/or documents the CMA contends support those grounds.

RESPONSE:

Objection. CMA intends to timely provide testimony of any witnesses it intends to call, and will supply work papers, if any, relied upon by such witnesses relative to their testimony.

DISCOVERY REQUEST NO. 12:

The Joint Objection of the Intervenors to Discovery Question Limits for the Initial Round of Discovery, which was filed in this docket, states: “TAWC has also filed an independent cost assessment report (“I.C.A.R.”) in relation to management fees, the conclusions of which will likely be contested.” Specifically identify each conclusion or aspect of the I.C.A.R. the CMA intends to contest, if any, and the CMA’s grounds and/or bases therefor (sic), including any facts and/or documents the CMA contends support those grounds.

RESPONSE:

Objection. CMA intends to timely provide testimony of any witnesses it intends to call, and will supply work papers, if any, relied upon by such witnesses relative to their testimony.

DISCOVERY REQUEST NO. 13:

The Joint Objection of the Intervenors to Discovery Question Limits for the Initial Round of Discovery, which was filed in this docket, states: “the Company has proposed a significant adjustment to its weatherization figures which calls for \$1.3 million in new rates.” Specifically identify each conclusion or aspect of the weatherization figures the CMA intends to contest, if any, and the CMA’s grounds and/or bases therefor (sic), including any facts and/or documents the CMA contends support those grounds.


RESPONSE:

Objection. CMA intends to timely provide testimony of any witnesses it intends to call, and will supply work papers, if any, relied upon by such witnesses relative to their testimony.

Respectfully submitted,

GRANT KONVALINKA & HARRISON, P.C.

By: _____


DAVID C. HIGNEY (BPR #14888)
CATHERINE HALL GIANNASI (BPR # 024441)
Attorneys for Intervenor
Chattanooga Manufacturers Association
Ninth Floor, Republic Centre
633 Chestnut Street
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 a true and correct copy of the foregoing has been served via the method(s) indicated, on this the 28th day of May, 2008, upon the following:

<input type="checkbox"/> Hand-Delivery	Richard Collier
<input checked="" type="checkbox"/> U.S. Mail	General Counsel
<input type="checkbox"/> Facsimile	Tennessee Regulatory Authority
<input type="checkbox"/> Overnight	460 James Robertson Parkway
<input type="checkbox"/> Email	Nashville, Tennessee 37243-00505

<input type="checkbox"/> Hand-Delivery	Ross Booher, Esq.
<input checked="" type="checkbox"/> U.S. Mail	R. Dale Grimes, Esq.
<input type="checkbox"/> Facsimile	Bass, Berry & Sims, PLC
<input type="checkbox"/> Overnight	AmSouth Center
<input type="checkbox"/> Email	315 Deaderick Street, Suite 2700
	Nashville, TN 37238-3001

<input type="checkbox"/> Hand-Delivery	Michael A. McMahan, Esq.
<input checked="" type="checkbox"/> U.S. Mail	Special Counsel
<input type="checkbox"/> Facsimile	Nelson, McMahan & Noblett
<input type="checkbox"/> Overnight	801 Broad Street, Suite 400
<input type="checkbox"/> Email	Chattanooga, TN 37402

<input type="checkbox"/> Hand-Delivery	Robert E. Cooper, Jr., Attorney General
<input checked="" type="checkbox"/> U.S. Mail	Timothy C. Phillips, Senior Counsel
<input type="checkbox"/> Facsimile	Ryan L. McGehee, Assistant Attorney General
<input type="checkbox"/> Overnight	Office of the Attorney General
<input type="checkbox"/> Email	425 Fifth Avenue, North
	P.O. Box 20207
	Nashville, Tennessee 37202-0207

<input type="checkbox"/> Hand-Delivery	Harold L. North, Jr., Esq.
<input checked="" type="checkbox"/> U.S. Mail	Frederick L. Hitchcock, Esq.
<input type="checkbox"/> Facsimile	Chambliss, Bahner & Stophel, P.C.
<input type="checkbox"/> Overnight	1000 Tallan Building
<input type="checkbox"/> Email	Two Union Square
	Chattanooga, TN 37402-2500


GRANT, KONVALINKA & HARRISON, P.C.