

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

**IN RE:**

**PETITION OF TENNESSEE AMERICAN )  
WATER COMPANY TO CHANGE AND )  
INCREASE CERTAIN RATES AND )  
CHARGES SO AS PERMIT IT TO EARN )  
A FAIR AND ADEQUATE RATE OF )  
RETURN ON ITS PROPERTY USED AND ) Docket No. 08-00039  
USEFUL IN FURNISHING WATER )  
SERVICE TO ITS CUSTOMERS )**

**ORDER REGARDING DISCOVERY AND DISPOSING OF CERTAIN OUTSTANDING  
MOTIONS FOLLOWING JUNE 4, 2008 STATUS CONFERENCE**

This matter came before the Hearing Officer for a Status Conference on June 4, 2008.

The following motions were considered, as well as all responses and replies thereto:

- 5/06/08 Intervenors' Joint Motion to Modify Procedural Schedule
- 5/06/08 Joint Objection of the Intervenors to Discovery Question Limits for the Initial Round of Discovery
- 5/12/08 CAPD's Motion to Ask Additional Discovery Questions
- 5/14/08 CAPD's Request for Status Conference and Oral Argument
- 6/02/08 CAPD's Motion to Set Aside The Procedural Schedule And Extend The Date Of The Final Hearing On The Merits Or In The Alternate Grant Leave To Seek Emergency Relief From The Hearing Panel
- 6/02/08 TAWC's Motion To Compel Chattanooga Manufacturers Association To Provide Complete Discovery Responses And To Exclude The Use Of All Information Withheld Without Good Cause
- 6/02/08 TAWC's Motion to Compel The City Of Chattanooga To Provide Complete Discovery Responses And To Exclude The Use Of All Information Withheld Without Good Cause

- 6/02/08 TAWC's Motion to Compel The CAPD To Provide Complete Discovery Responses And To Exclude The Use Of All Information Withheld Without Good Cause
- 6/02/08 CAPD's Motion to Compel TAWC To Answer The First Discovery Requests Of The CAD
- 6/02/08 City of Chattanooga's Motion To Compel And To Extend Deadlines And Motion To Compel Or Alternative Motion For Permission To Propound Additional Discovery Requests.
- 6/02/08 City of Chattanooga's Motion To Compel Or Alternative Motion For Permission To Propound Additional Discovery Requests
- 6/02/08 Chattanooga Manufacturers' Motion To Compel TAWC To Provide Appropriate And Complete Responses To CMA's First Set Of Data Requests
- 6/03/08 City of Chattanooga's Motion for Sanctions

After reviewing the filings, hearing the arguments of the parties, and taking into account the joint proposals of the parties, the Hearing Officer rules as follows:

1. At or before 3:00 PM Central time on June 9, 2008, by agreement, Tennessee American shall file responses to the discovery requests served on Tennessee American on May 28, 2008 which Tennessee American has not previously responded to, citing TRA Rule 1220-1-2-.11(5)(a) ("Additional Discovery Requests").
2. At or before 3:00 PM Central time on June 9, 2008, all Parties shall file supplemental responses to questions identified in the Parties' Motions to Compel filed on June 2, 2008 ("Supplemental Responses"). Supplemental Responses shall reflect the results of discussions among the parties concerning resolution of their respective motions to compel.
3. Between June 9, 2008 and June 13, 2008, the parties will discuss any disputes regarding Tennessee American's responses to the Additional Discovery Requests and any

Supplemental Responses in a good faith effort to resolve any disputes concerning such responses.

4. In the event any discovery disputes remain after June 13, 2008, regarding Tennessee American's responses to the Additional Discovery Requests or any party's Supplemental Responses, at or before 3:00 PM Central time on June 16, 2008, the parties shall serve motions to compel that may renew any arguments raised in their previously filed Motions to Compel with regard to the Supplemental Responses and which may seek to compel further responses regarding the Additional Discovery Requests. Any responses to such Motions to Compel may be served on the Parties on or before 3:00 P.M. Central Time on June 17, 2008.
5. The parties will appear before the Hearing Officer at 1:00 P.M. Central Time, June 18, 2008 at the offices of the Tennessee Regulatory Authority for a Status Conference. At this Conference, the Hearing Officer will decide any discovery disputes raised in the Motions to Compel described in paragraph 4 above.
6. The Hearing Officer will endeavor to provide the parties with the dates for the Contested Hearing of TAWC's Petition by June 12, 2008 so the Parties may plan accordingly.
7. The Hearing Officer has determined that it is not "a valid objection or reason not to answer a question that a party is anticipating filing prefiled testimony."<sup>1</sup>
8. Tennessee American Water Company is not required to "manipulate raw data that will come out in a particular result" in response to Intervenor's discovery requests. The Hearing Officer requires the parties to engage in "a process where the Intervenor would be able to obtain the raw data and make their own conclusions from the raw data but not require the company to manipulate the data in some fashion."

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<sup>1</sup> The Chattanooga Manufacturers Association disagrees that Paragraph 7 is a complete statement of the ruling.

9. The rulings above fully address, render moot or otherwise dispose of, all of the above-listed motions.

ORDERED AND ENTERED THIS \_\_\_\_ DAY OF JUNE, 2008.

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RICHARD COLLIER  
Hearing Officer

APPROVED FOR ENTRY:



R. Dale Grimes (#6223)  
Ross I. Booher (#019304)  
BASS, BERRY & SIMS PLC  
315 Deaderick Street, Suite 2700  
Nashville, TN 37238-3001  
(615) 742-6200  
*Attorneys for Petitioner*  
*Tennessee American Water Company*



Ryan McGehee  
Consumer Advocate and Protection Division  
Office of Attorney General  
2nd Floor  
425 5th Avenue North  
Nashville, TN 37243-0491  
*Attorney for Intervenor Consumer Advocate and Protection Division*

*David C. Higney / by RB  
w/ permission*

David C. Higney, Esq.  
Grant, Konvalinka & Harrison, P.C.  
633 Chestnut Street, 9th Floor  
Chattanooga, TN 37450

and

Henry M. Walker, Esq.  
Boult, Cummings, Conners & Berry, PLC  
Suite 700  
1600 Division Street  
Nashville, TN 37203

*Attorneys for Intervenor Chattanooga Manufacturers' Association*

*Frederick A. Hitchcock / by RB  
w/ permission*

Michael A. McMahan, Esq.  
Special Counsel  
City of Chattanooga (Hamilton County)  
Office of the City Attorney  
Suite 400  
801 Broad Street  
Chattanooga, TN 37402

and

Frederick L. Hitchcock, Esq.  
Harold L. North, Jr., Esq.  
Chambliss, Bahner & Stophel, P.C.  
1000 Tallan Building  
Two Union Square  
Chattanooga, TN 37402

*Attorneys for Intervenor City of Chattanooga*