

June 13, 2008

Via E-Mail and USPS

filed electronically in docket office on 06/13/08

Chairman Eddie Roberson, Ph.D.
c/o Ms. Sharla Dillon
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

Re: Docket No. 08-00039
In Re: Petition of Tennessee American Water Company to Change and
Increase Certain Rates

Dear Chairman Roberson:

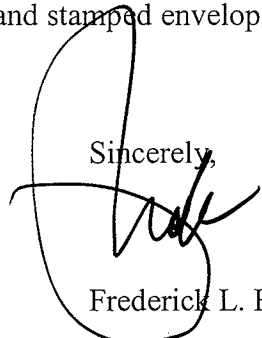
Enclosed please find an original and five (5) copies of the following document which has been filed electronically and served today.

City of Chattanooga's Second Supplemental Discovery Responses to Tennessee American Water Company

I would appreciate you stamping the extra copy of the document as "filed," and returning to me in the enclosed, self-addressed and stamped envelope.

With best regards, I am

Sincerely,



Frederick L. Hitchcock

FLH:kw
Enclosures

cc: Ryan L. McGehee, Esq. (w/encl.)
Timothy C. Phillips, Esq. (w/encl.)
David C. Higney, Esq. (w/encl.)
R. Dale Grimes, Esq. (w/encl.)
Ross Ian Booher, Esq. (w/encl.)
J. Davidson French, Esq. (w/encl.)
Adam Futrell, Esq. (w/encl.)
Erin Everitt, Esq. (w/encl.)
Henry M. Walker, Esq. (w/encl.)
Michael A. McMahan, Esq. (w/encl.)

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

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

**CITY OF CHATTANOOGA'S SECOND SUPPLEMENTAL DISCOVERY RESPONSES
TO TENNESSEE AMERICAN WATER COMPANY**

City of Chattanooga ("City") responds to the Tennessee American Water Company's ("TAWC") discovery requests as follows:

GENERAL OBJECTIONS

1. City objects to all requests that seek information by the attorney-client privilege, the work product doctrine, and/or any other applicable privilege or restriction on disclosure.
2. City objects to the definitions and instructions accompanying requests to the extent definitions and instructions contradict, are inconsistent with, or impose any obligations beyond those required by the Tennessee Rules of Civil Procedure or the rules, regulations, and orders of the Tennessee Regulatory Authority.
3. City objects to the definitions of the words "document" or "documents" or "documentation" that accompany the requests, because such definitions are overbroad and unduly burdensome.

4. City is providing its objections herein without waiver of, or prejudice to, its right at any later time to raise objections to: (a) the competence, relevance, materiality, privilege, or admissibility of the response, or the subject matter thereof; and (b) the use of any response or subject matter thereof, in any subsequent proceedings.

5. City objects to each request to the extent that it is unreasonably cumulative or duplicative or seeks information obtainable from some other source that is more convenient, less burdensome, or less expensive.

6. City objects to each request to the extent it is premature such that it seeks information concerning matters about which discovery is ongoing and/or seeks information to be provided by expert witnesses.

7. City's specific objections to each request shall be in addition to the General Objections set forth in this section. These General Objections form a part of each discovery response, and they are set forth here to avoid the duplication and repetition of restating them for each discovery response. The absence of a reference to a General Objection in response to a particular request does not constitute a waiver of any General Objection in response to that discovery request. All responses are made subject to and without waiver of City's general and specific objections.

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 NO. 1:

Counsel for City have not yet identified the facts and documents upon which it will rely. Such facts and documents will include information responsive to the Intervenor's discovery requests and to TRA staff data requests. TAWC has refused to provide information and documents responsive to a large number of the Intervenor's requests, and City has filed motions to compel TAWC responses to a dozen of its requests. Without waiving its objections, upon receipt of TAWC's complete discovery responses, City will finish its review and will supplement this response.

The information contained in this response is current and complete as of the date of this supplemental response.

To the extent that TAWC has continuing concerns regarding the sufficiency of City's supplemental response, City will work in good faith with TAWC to resolve these concerns.

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 NO. 2:

Such persons include the employees and consultants of TAWC and its Affiliates who have knowledge of information responsive to the Intervenor's discovery requests and the TRA Staff data requests. Without waiving its objection, to the extent that City identifies other individuals with the requested information, it will supplement this response

The information contained in this response is current and complete as of the date of this supplemental response.

To the extent that TAWC has continuing concerns regarding the sufficiency of City's supplemental response, City will work in good faith with TAWC to resolve these concerns.

DISCOVERY REQUEST NO. 3:

Produce each document, photograph, or any other article or thing whatsoever, which refers or relates to any part of your contentions(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 NO. 3:

The requested information includes, without limitation, the pre-filed testimony and supporting exhibits of Mr. Joe Van den Berg as well as information responsive to the Intervenor's discovery requests and to TRA staff data requests. Without waiving its objections, upon receipt of TAWC's complete discovery responses, City will finish its review and will supplement this response.

The information contained in this response is current and complete as of the date of this supplemental response.

To the extent that TAWC has continuing concerns regarding the sufficiency of City's supplemental response, City will work in good faith with TAWC to resolve these concerns.

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 Rounds 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 the 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 and 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 disposition.

RESPONSE NO. 4:

The City has retained the services of experts for consultation in preparation for the hearing of this matter. These experts may not be called as witnesses and therefore the identity of, facts known by, or opinions held by such experts are not discoverable under Rule 26.04(B), Tennessee Rules of Civil Procedure, until a decision is made by the City that they will be called as trial witnesses. A decision cannot be made by the City with respect to utilization of such experts as trial witnesses until TAWC fully responds to the Intervenor's discovery requests and such responses can be analyzed by the City and its consulting experts. Without waiving its objections, upon receipt of TAWC's complete discovery responses, City will finish its review and will supplement this response.

The information contained in this response is current and complete as of the date of this supplemental response.

To the extent that TAWC has continuing concerns regarding the sufficiency of City's supplemental response, City will work in good faith with TAWC to resolve these concerns.

Respectfully submitted,

By: 

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served a true and correct copy of the foregoing pleading by electronic mail and by depositing same in the United States mail, postage prepaid, and addressed to the following:

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Consumer Advocate and Protection Division
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ryan.mcgehee@state.tn.us

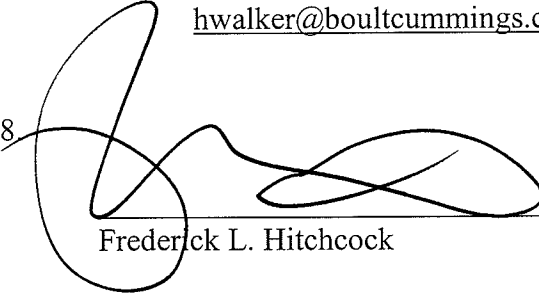
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This the 13th day of June, 2008



Frederick L. Hitchcock