

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

July 11, 2008

IN RE:

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

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**DOCKET NO.
08-00039**

ORDER FURTHER MODIFYING PROCEDURAL SCHEDULE

This matter is before the Hearing Officer upon the motions filed by the Intervenor, the Consumer Advocate and Protection Division of the Office of the Attorney General (“Consumer Advocate”), the City of Chattanooga (“the City”) and Chattanooga Manufacturers Association (“CMA”) requesting permission to appeal the *Order Granting, In Part, Joint Motion of Intervenor to Expand Time to Submit Testimony and Modifying Procedural Schedule* filed by the Hearing Officer on July 3, 2008.¹ Tennessee American Water Company (“TAWC” or the “Company”) filed *Tennessee American Water Company’s Response in Opposition to the Consumer Advocate and the City of Chattanooga’s Joint Petition for Interlocutory Review and Chattanooga Manufacturer’s Association’s Appeal of the Time Limits Set by the Hearing Officer* on July 11, 2008. The motions for an appeal are rooted in the Intervenor’s request for an extension of time to file their pre-filed direct testimony. The Intervenor assert that additional

¹ The Consumer Advocate and the City jointly filed the *Petition for Interlocutory Review by the Authority of the Hearing Officer’s Order Granting In Part, Joint Motion of Intervenor to Expand Time to Submit Testimony and Modifying Procedural Schedule* on July 9, 2008. CMA filed *The Chattanooga Manufacturers Association’s Appeal of the Time Limits Set by the Hearing Officer* on July 10, 2008.

time is required for them to prepare their pre-filed testimony, partially as a result of prolonged discovery disputes. In addition, the Intervenor's motions include a revised procedural schedule which adjusts all of the dates in the procedural schedule issued on July 3, 2008 and currently in effect.

In considering the Intervenor's motions and the response of TAWC, the Hearing Officer has reevaluated the existing procedural schedule in light of numerous discovery disputes during the first round of discovery. The Hearing Officer finds that the procedural schedule proposed by the Intervenor is not practicable. As evidenced by the significant amount of time utilized in formally and informally resolving discovery disputes during the Status Conferences in this docket, it is incumbent that time remain in the schedule for resolving objections and motions to compel through a status conference before the Company is required to file its rebuttal testimony.

Nevertheless, as in the past, the Hearing Officer is committed to trying to accommodate the requests of all parties in this docket when scheduling issues arise. For this reason, the Hearing Officer grants additional time in the procedural schedule for the filing of the Intervenor's pre-filed testimony and modifies the procedural schedule as to the second round of discovery. The filing date for the Intervenor's prefiled direct testimony is changed to **Friday, July 18, 2008 at 2:00 p.m.**² The second round of discovery will commence on **July 24, 2008** with discovery responses and objections due on **July 31, 2008**.

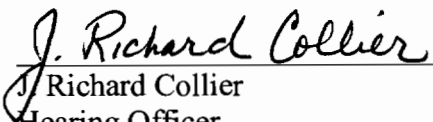
On July 11, 2008, the Hearing Officer held a telephonic conference with counsel for all of the parties in this docket to inform them of the anticipated issuance of this order and the modified schedule. After discussing the proposed changes in the schedule, the parties agreed to the entry of this order with the schedule as set forth herein. In agreeing to the modified

² The Hearing Officer originally considered the Date of July 17, 2008 as the date for the filing of Intervenor's pre-filed testimony. The Intervenor requested July 18, 2008 at 2:00 p.m. and with the agreement of all parties, that date become the operative date.

procedural schedule and the entry of an order reflecting the modified schedule, the Intervenors announced to the Hearing Officer that all motions for appeal are withdrawn.

IT IS THEREFORE ORDERED THAT:

1. The Procedural Schedule is revised to accommodate additional time for the filing of pre-filed testimony and discovery and the Second Amended Procedural Schedule, attached to this Order as **Exhibit A**, is hereby adopted and is in full force and effect.
2. Upon entry of this Order, the motions of the Intervenors requesting permission to appeal are withdrawn.


J. Richard Collier
Hearing Officer

TRA DOCKET NO. 08-00039

SECOND AMENDED PROCEDURAL SCHEDULE

(July 11, 2008)

May 12, 2008	1st Round of Discovery
May 28, 2008	Discovery Responses and Objections
June 2, 2008	Motions to Compel
June 4, 2008	Status Conference
June 9, 2008	Supplemental Discovery Responses
June 17, 2008	Supplemental Motions to Compel
June 18, 2008	Responses to Supplemental Motions to Compel
June 19 - 20, 2008	Status Conference
July 18, 2008	Intervenors' Pre-Filed Testimony
At 2:00 pm	
July 24, 2008	2nd Round of Discovery
July 31, 2008	Discovery Responses and Objections
August 4, 2008	Status Conference (Parties will report on settlement talks)
August 6, 2008	Supplemental Discovery Responses
August 13, 2008	Company's Pre-Filed Rebuttal Testimony
August 15, 2008	Pre-Hearing Conference