

IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

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**

DOCKET NO. 08-00039

**NOTICE THAT DISCOVERY RESPONSES TO THE CONSUMER ADVOCATE'S
DISCOVERY REQUESTS 7, 8, 9 AND 10 REMAIN UNSATISFACTORY**

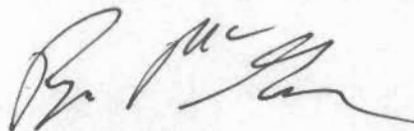
The Consumer Advocate and Protection Division of the Office of the Attorney General (“Consumer Advocate”) disputes that Tennessee American Water Company’s (“TAWC”) Supplemental Responses to the Consumer Advocate’s Discovery Requests 7, 8, 9, and 10 of Part III are satisfactory. All four discovery requests seek information relevant to the capital structure to be set in this case. The questions seek information from TAWC, its parent American Water Works (“AWW”) and the majority and controlling stockholder in RWE. The Consumer Advocate maintains its motion to compel as to the particular discovery requests as filed on June 17, 2008 and the argument on June 20, 2008.

TAWC later supplemented its response stating that TAWC did not have any of the requested information in its possession. The Consumer Advocate considers this a rather coy and partial supplemental response as it remains silent as to whether AWW and RWE have possession of responsive information. In, fact TAWC had already disclosed that TAWC doesn't have the

information at the June 20, 2008 status conference during the argument over these issues. Transcript of Status Conference of June 20, 2008, p. 23 , lines 15-21. The disclosure that TAWC didn't have the documents, rather than addressing AWW and RWE, did not satisfy the Consumer Advocate's discovery request then and it does not satisfy the discovery request now.

Thus, the supplemental response on its face is unsatisfactory and the Consumer Advocate considered the supplemental response as nothing more than a house-keeping filing for the record. The Consumer Advocate has at no time waived the discovery response. Thus, the Consumer Advocate requests TAWC to provide supplemental responses or for the hearing officer to rule upon the Consumer Advocate's arguments found in the motion to compel of June 17, 2008 and oral argument on June 20, 2008.

RESPECTFULLY SUBMITTED,



RYAN L. McGEHEE
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Dated: July 16, 2008

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing is being forwarded via U.S. mail, to:

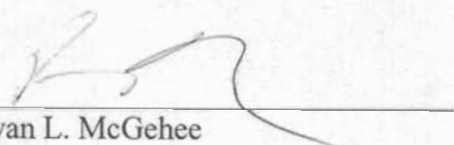
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on this the 1st day of July, 2008.


Ryan L. McGehee

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