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September 4, 2008

Via Hand-Delivery

Chairman Tre Hargett
c/o Ms. Sharla Dillon
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

filed electronically 9/4/08

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

Dear Chairman Hargett:

Following up on Tennessee American Water Company's letter dated September 3, 2008, Tennessee American Water Company submits a formal Errata Sheet for Tennessee American Water Company's Post-Hearing Brief, which includes the footnotes raised in the aforementioned letter. Notably, none of the corrections contained therein alter the substance of the brief.

An original and seven (7) copies are being hand-delivered to the TRA. Please file stamp three (3) copies as "Filed" and return to me by way of our courier.

If any clarification is needed regarding the above corrections, please do not hesitate to contact me.

Sincerely,



Ross I. Booher

Enclosures

cc: Hon. Mary Freeman
Hon. Sara Kyle
Hon. Eddie Roberson
Richard Collier, Esq.
Ms. Shilina Chatterjee Brown
Ms. Kelly Grams
Ms. Emily Knight
Ryan McGehee, Esq.
Timothy C. Phillips, Esq.
David C. Higney, Esq.
Henry M. Walker, Esq.
Michael A. McMahan, Esq.
Frederick L. Hitchcock, Esq.,

**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 TO PERMIT IT TO EARN A FAIR AND)	
ADEQUATE RATE OF RETURN ON ITS)	Docket No. 08-00039
PROPERTY USED AND USEFUL IN)	
FURNISHING WATER SERVICE TO ITS)	
CUSTOMERS)	

**ERRATA FOR TENNESSEE AMERICAN WATER COMPANY'S
POST-HEARING BRIEF IN SUPPORT OF ITS PETITION TO
CHANGE AND INCREASE CERTAIN RATES AND CHARGES**

For its Errata for its Post Hearing Brief in Support of its Petition to Change and Increase Certain Rates and Charges, Tennessee American Water Company, the following footnotes should state as follows:

- Footnote 42 - Mr. King was one of the witnesses the Intervenor sought to call from the firm of Snavelly, King & Majoros. Three Snavelly witnesses actually testified at the hearing — all of them well outside any area of expertise they may have — and the testimony of each does not withstand scrutiny. *See* King, Vol. XV, Tr. 1604:4-5; Stoffel, Vol. XIX, Tr. 1952:11-19 (admitting he was “completely wrong”); Majoros, Vol. XX, Tr. 2010:18-23 and Vol. XXI, Tr. 2039:24 – 2041:10 (offering testimony as a CPA despite having not held an active license for more than 20 years).
- Footnote 49- *See* John S. Watson, Pre-Filed Direct Testimony, at 4:26-6:16 (March 14, 2008)
- Footnote 63 - Sheila A. Miller, Pre-Filed Direct Testimony, p. 7:6-7, 11:8-19 (March 14, 2008).
- Footnote 69 - Terry Buckner Cross-Examination, Vol. XVII, Tr. 1705:15-17, 1706:19-23; John S. Watson Pre-Filed Rebuttal Testimony, p. 5:8-16 (August 13, 2008).
- Footnote 78 - *See, e.g.*, Sheila A. Miller, Pre-Filed Rebuttal Testimony, pp. 3:19 – 4:4, 12:13 – 13:11 (August 13, 2008); John S. Watson, Pre-Filed Rebuttal Testimony, p. 24:16 – 25:5 (August 13, 2008); Hearing Ex. 62 at 14-20 (Watson Summary Slides), Hearing Ex. 70, at 4 (M. Miller Summary Slides).

- Footnote 86 - *See, e.g.*, Sheila Miller, Vol. V, Tr. 646:8-16, 704:14 – 708:22, 713:21 – 714:12.
- Footnote 103 - *See* Joseph Van den Berg, Pre-Filed Direct Testimony, p. 2 (March 14, 2008). Mr. Majoros contends that someone with TAWC or BAH should have contacted the TRA to inquire more specifically regarding the intent of Director Miller's Motion. Michael Majoros, Tr. Vol. XX, at 1995:24-1996:3 TAWC and BAH understood the intent of the Motion, and nevertheless could not have engaged in the ex-parte contact suggested by Mr. Majoros because the final order in the case was not issued until June 10, 2008.
- Footnote 105 - Joseph Van den Berg, Pre-Filed Direct Testimony, p. 2-3, 13-15 (March 14, 2008).
- Footnote 108 - Joseph Van den Berg, Pre-Filed Direct Testimony, pp. 4-10 (March 14, 2008).
- Footnote 114 - Joseph Van den Berg, Vol. X, Tr. 1111:10 – 1112:10.
- Footnote 119 - Mark Manner, Pre-Filed Rebuttal Testimony, p. 24 (August 13, 2008).
- Footnote 126 - *Cf.* Hearing Ex. 57 (Majoros Summary Slides); Michael Majoros, Vol. XX, Tr. 2041-2044. Mr. Majoros maintained at the hearing that he meets the eligibility requirements for his membership in an association of CPAs, the AICPA, despite his apparent failure to meet the express requirements of such membership. *Cf.* Hearing Ex. 59, 60; Michael Majoros, Vol. XX, Tr. 2028, Vol. XXI, Tr. 2037-2038. Regardless, it appears that Mr. Majoros cannot hold himself out as a CPA in Maryland or Tennessee because he allowed his CPA license to become inactive over 20 years ago. Any testimony given by Mr. Majoros based on any claim that he is a CPA would therefore need to be disregarded in this case. *See* Michael Majoros, Vol. XX, Tr. 2010-2011, Vol. XXI, Tr. 2037, 2039; Md. Bus. Occupations & Professions Code Ann. § 2-603; Tenn. Code Ann. § 62-1-113(c).
- Footnote 140 - Joseph Van den Berg, Pre-Filed Rebuttal Testimony, p. 9-10 (August 13, 2008).
- Footnote 141 - Joseph Van den Berg, Vol. X, Tr. 1079:1 – 1083:6.
- Footnote 149 – Michael Miller Vol. XII, Tr. 1260:1-1261:25.
- Footnote 150 - Michael Miller, Pre-Filed Rebuttal Testimony, p. 82 (August 13, 2008).
- Footnote 165 - Michael Miller, Pre-Filed Rebuttal Testimony, p. 71 (August 13, 2008); John Watson, Pre-Filed Rebuttal Testimony, pp. 18-22 (August 13, 2008).
- Footnote 167 - Michael Miller, Pre-Filed Rebuttal Testimony, p. 70; Exhibit Rebuttal MAM-9 (August 13, 2008).
- Footnote 223 - Michael Miller, Pre-Filed Rebuttal Testimony, p. 51-54 (August 13, 2008).

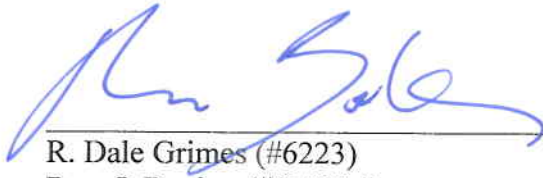
Footnote 259 - Michael Vilbert, Pre-filed Rebuttal Testimony, pp. 17-18 (August 13, 2008); Michael Vilbert, Vol. II, Tr. 280:6-15.

Footnote 282 - Dr. Stephen Brown, Pre-filed Direct Testimony, p. 49 (July 18, 2008).

Footnote 335 - *See* Terry Buckner, Pre-Filed Direct Testimony, p. 72:9-16 (July 18, 2008).

For the Authority's ease of reference, a redline showing the exact nature of the change is provided as Attachment A, attached hereto.

Respectfully submitted,



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ATTACHMENT A

- Footnote 42 - Mr. King was one of the witnesses the Intervenors sought to call from the firm of Snavelly, King & Majoros. Three Snavelly witnesses actually testified at the hearing — all of them well outside any area of expertise they may have — and the testimony of each does not withstand scrutiny. *See* King, Vol. XV, Tr. 1604:4-5; Stoffel, Vol. XIX, Tr. 1952:11-19 (admitting he was “completely wrong”); Majoros, Vol. XX, Tr. 2010:18-23 and Vol. XXI, Tr. 2039:24 – 2041:10 (offering testimony as a CPA despite having not held an active license for more than 20 years).
- Footnote 49- *See* John S. Watson, Pre-Filed Direct Testimony, at 4:26-~~65~~:16 (March 14, 2008)
- Footnote 63 - Sheila A. Miller, Pre-Filed Direct Testimony, p. ~~57~~:6-7, 11:8-19 (March 14, 2008).
- Footnote 69 - Terry Buckner Cross-Examination, Vol. XVII, Tr. 170~~45~~:15-17, 1706:19-23; John S. Watson Pre-Filed Rebuttal Testimony, p. 5:8-16 (August 13, 2008).
- Footnote 78 - *See, e.g.*, Sheila A. Miller, Pre-Filed Rebuttal Testimony, pp. 3:19 – 4:4, 12:13 – 13:11 (August 13, 2008); John S. Watson, Pre-Filed Direct Rebuttal Testimony, p. 24:16 – 25:5 (August 13, 2008); Hearing Ex. 62 at 14-20 (Watson Summary Slides), Hearing Ex. 70, at 4 (M. Miller Summary Slides).
- Footnote 86 - *See, e.g.*, Sheila Miller, Vol. ~~IV~~, Tr. 646:8-16, 704:14 – 708:22, 713:21 – 714:12.
- Footnote 103 - *See* Joseph Van den Berg, Pre-Filed Direct Testimony, p. 2 (~~August 13~~March 14, 2008). Mr. Majoros contends that someone with TAWC or BAH should have contacted the TRA to inquire more specifically regarding the intent of Director Miller’s Motion. Michael Majoros, Tr. Vol. XX, at 1995:24-1996:3 TAWC and BAH understood the intent of the Motion, and nevertheless could not have engaged in the ex-parte contact suggested by Mr. Majoros because the final order in the case was not issued until June 10, 2008.
- Footnote 105 - Joseph Van den Berg, Pre-Filed Direct Testimony, p. 2-3, 13-~~15~~ (~~August 13~~March 14, 2008).
- Footnote 108 - Joseph Van den Berg, Pre-Filed Direct Testimony, pp. 4-10 (~~August~~March 13, 2008).
- Footnote 114 - Joseph Van den Berg, Vol. ~~XX~~, Tr. 1111:10 – 1112:10.
- Footnote 119 - Mark Manner, Pre-Filed Rebuttal Testimony, p. ~~25~~24 (August 13, 2008).

Footnote 126 - *Cf.* Hearing Ex. 57 (Majoros Summary Slides); Michael Majoros, Vol. XX, Tr. 2041-2044. Mr. Majoros maintained at the hearing that he meets the eligibility requirements for his membership in an association of CPAs, the AICPA, despite his apparent failure to meet the express requirements of such membership. *Cf.* Hearing Ex. 59, 60; Michael Majoros, Vol. XX, Tr. 2028, Vol. XXI, Tr. 2037-2038. Regardless, it appears that Mr. Majoros cannot hold himself out as a CPA in Maryland or Tennessee because he allowed his CPA license to become inactive over 20 years ago. Any testimony given by Mr. Majoros based on any claim that he is a CPA would therefore need to be disregarded in this case. *See* Michael Majoros, Vol. XX, Tr. 2010-2011, Vol. XXI, Tr. 2037, 2039; Md. Bus. Occupations & Professions Code Ann. § 2-603; Tenn. Code Ann. § 62-1-113(c).

Footnote 140 - Joseph Van den Berg, Pre-Filed Rebuttal Testimony, p. 9-10 (~~March 14, 2008~~August 13, 2008).

Footnote 141 - Joseph Van den Berg, Vol. ~~XX~~, Tr. 1079:1 – 1083:6.

Footnote 149 – Michael Miller Vol. XII, Tr. 1260:1-1261:25~~Pre-Filed Rebuttal Testimony, p. 82 (August 13, 2008)~~.

Footnote 150 - Michael Miller, Pre-Filed Rebuttal Testimony, p. 82 (August 13, 2008)~~Vol. XII, Tr. 1260:1-1261:25~~

Footnote 165 - Michael Miller, Pre-Filed Rebuttal Testimony, p. 71 (August 13, 2008); John Watson, Pre-Filed Rebuttal Testimony, pp. ~~1821~~-22 (August 13, 2008).

Footnote 167 - Michael Miller, Pre-Filed Rebuttal Testimony, p. 70; Exhibit Rebuttal MAM-~~949~~ (August 13, 2008).

Footnote 223 - Michael Miller, Pre-Filed Rebuttal Testimony, p. 51-~~54~~ (August 13, 2008).

Footnote 259 - Michael Vilbert, Pre-filed Rebuttal Testimony, pp. 17-18 (August 13, 2008); Michael Vilbert, Vol. II, Tr. 280:6-15.

Footnote 282 - Dr. Stephen Brown, Pre-filed Direct Testimony, p. ~~489~~ (July 18, 2008).

Footnote 335 - *See* Terry Buckner, Pre-Filed Direct Testimony, p. ~~742~~:9-16 (July 18, 2008).

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 4th day of September, 2008, upon the following:

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